

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Investigation of **5050**)
Enterprises LLC, of Burlington, Iowa,)
Pursuant to the Kansas Highway Patrol)
Issuance of a Notice of Violation(s) and) Docket No. 20-GIMM-077-KHP
Invoice for the Violations of the Kansas)
Motor Carrier Safety Statutes, Rules and)
Regulations.)
)

**ORDER WITHDRAWING 5050 ENTERPRISES LLC'S REQUEST FOR HEARING
AND CLOSING DOCKET**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On July 15, 2019, the Kansas Highway Patrol issued a Notice of Violation(s) against 5050 Enterprises LLC D/B/A 5050 Trucks (Respondent), for alleged violations found during a July 10, 2019, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol (KHP).
2. As a result of this inspection, Respondent was assessed \$150 in civil fines, comprised of the following violation: a \$150.00 fine for Brake hose/tubing chaffing and/or kinking, citing 393.45B2.
3. On July 11, 2019, Respondent initiated a DataQ challenge of all violations found during the inspection.
4. In a letter dated July 17, 2019, the Kansas Highway Patrol denied Respondent's DataQ challenge.

5. On August 3, 2019, Respondent requested a hearing before the Commission.

6. On August 28, 2019, Mike Meierotto, Owner of 5050 Enterprise LLC and Mike Hoeme, Transportation Director of Staff, Gary Davenport, Deputy Transportation Director of Staff and Ahsan A. Latif, Litigation Counsel of Staff, informally met to discuss Respondent's Request for Hearing. At the end of that discussion, it was agreed that Respondent would withdraw its Request for Hearing and, without admitting to the violations alleged, agree to pay the civil penalty. As part of this resolution it was agreed that Staff would file a motion in the docket outlining this resolution and closing the docket.

7. On August 29, 2019, Staff filed a Motion to Withdraw 5050 Enterprises LLC's Request for Hearing and Close Docket.

8. Pursuant to Staff's Motion, 5050 Enterprises LLC's Request for Hearing is withdrawn and this docket is closed.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Staff's Motion to Withdraw 5050 Enterprises LLC's Request for Hearing and Close Docket is hereby granted. This docket is to be closed.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 09/05/2019



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

20-GIMM-077-KHP

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail/hand delivered on 09/06/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe