

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Investigation of)
Crystal's Livestock Express, LLC, of)
Pittsburg, Kansas, Regarding the Violation)
of the Motor Carrier Safety Statutes, Rules)
and Regulations and the Commission's) Docket No. 19-TRAM-424-PEN
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Crystal's Livestock Express, LLC of Pittsburg, Kansas (Respondent) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in intrastate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 807187.
3. On April 30, 2019, the Commission issued Respondent a penalty assessment for three (3) violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on April 3, 2019, by Kansas Corporation Commission Special Investigator Michael Heenan. The Respondent paid the penalty amount of \$750 on June 3, 2019.

4. In the Penalty Order at ordering clause B., it is stated, "Further Crystal's Livestock Express, LLC must submit to one follow-up safety compliance review within the next 18 months."

5. Special Investigator Verna Jackson has made numerous attempts to contact Respondent to facilitate a follow-up off-site safety compliance review on its operations as a motor carrier.

6. Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter on June 15, 2020, informing Respondent that should it continue to resist by failing to respond, the Commission may suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Respondent. The letter gave Respondent ten (10) days from the date of the letter to respond. A copy of the letter is attached hereto as Attachment "A" and is hereby incorporated by reference.

7. As of July 7, 2020, Special Investigator Verna Jackson and Litigation Counsel Ahsan Latif have not heard from Respondent to schedule a follow-up motor carrier safety compliance review.

8. Staff asks that the Commission find Respondent received sufficient notices of the need to schedule a follow-up safety compliance review.

9. Staff asks that the Commission find Respondent failed to respond to several attempts to contact.

10. Staff asks the Commission find that Respondent's resistance to respond to Special Investigator Verna Jackson's attempts to contact and Litigation Counsel Ahsan Latif's letter poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

11. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier authority operations until such time as Respondent contacts Special Investigator Verna Jackson or Litigation Counsel Ahsan Latif to schedule a follow-up safety compliance review, at which time Staff will recommend the Commission issue an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's intrastate motor carrier operations.

Respectfully submitted,



Ahsan A. Latif, #24709
Litigation Counsel
Kansas Corporation Commission
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Topeka, Kansas 66604
(785) 271-3181 (Telephone)
(785) 271-3124 (Facsimile)
a.latif@kcc.ks.gov (E-mail)

For Commission Staff

ATTACHMENT “A”

Transportation Division
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3145
Fax: 785-271-3124
<http://kcc.ks.gov/>

Susan K. Duffy, Chair
Shari Feist Albrecht, Commissioner
Dwight D. Keen, Commissioner

Laura Kelly, Governor

June 15, 2020

David Crystal, President
Crystal's Livestock Express LLC
692 E 600 Ave
Pittsburg, KS 66762

Re: Compliance Investigation

Dear Mr. Crystal:

The Kansas Corporation Commission is given full power, authority and jurisdiction to supervise and control motor carriers - as defined in the Kansas statutes - doing business or procuring business in Kansas, and may do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

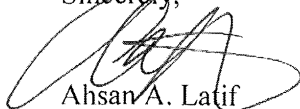
From time to time, the commission is required to carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Further, the Commission has the authority to investigate an entity under the Commission's jurisdiction and order a hearing when the Commission believes the entity is in violation of the law or any order of the Commission.

Deliberate avoidance of a Commission-sponsored safety compliance review is a violation of the above-stated law and authority. Crystal's Livestock Express LLC is a motor carrier that is subject to the Commission's jurisdiction, and therefore, is required by law to submit to Commission compliance reviews.

Commission Special Investigator (SI) Verna Jackson, has made numerous attempts to facilitate a compliance review with you, to no avail. An initial document request letter was emailed May 14, 2020. On May 26, 2020 a second email was sent to the email address on file as well as mailed by the US Postal Service to the address on file. To date no documentation or response has been received. This letter therefore serves to notify you that should you continue to resist by failing to contact SI Jackson **within ten days of the date of this letter** the Commission may suspend your motor carrier operations, revoke or amend certificates, and/ or initiate sanctions or fines against you.

Thank you for your cooperation. If you have any further questions, you may contact SI Verna Jackson with the Transportation Division of the Kansas Corporation Commission at 785-271-3104.

Sincerely,



Ahsan A. Latif
Litigation Counsel

VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Suspend Intrastate Motor Carrier Operations* and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 7th day of July, 2020.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

19-TRAM-424-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was served via electronic service this 7th day of July, 2020, to the following:

DAVID E CRYSTAL, MANAGER
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crystalslivestock@yahoo.com

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Vicki Jacobsen