

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

Before Commissioners: Mark Sievers, Chairman
Thomas E. Wright
Shari Feist Albrecht

In the Matter of the Investigation of Larry)
Prawl, d/b/a J & L Mobile Homes, of)
Manhattan, Kansas, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 13-TRAM-023-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

SUSPENSION OF OPERATING AUTHORITY ORDER

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

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.S.A. 2012 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2012 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. Pursuant to K.S.A. 2012 Supp. 66-1,129a, 66-1,130, and 66-1,142b, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 2012 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. FINDINGS OF FACTS

4. Larry Prawl, d/b/a J & L Mobile Homes (Respondent) is a motor carrier as defined in K.S.A. 2011 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and Commission, and operates under USDOT Number 528382 KSMCID number 168880.

6. On June 20, 2012, Staff Special Investigator Lance Jones conducted a compliance review of the operations Respondent. As a result of this investigation, Mr. Jones identified three (3) violations of the Motor Carrier Safety Regulations.

7. On July 25, 2012, Respondent was issued a penalty assessment for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on June 20, 2012, by Kansas Corporation Commission Special Investigator Lance Jones. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

8. Staff and Respondent entered into a stipulated settlement agreement and payment plan for the civil penalty which was approved by the Commission on November 20, 2012. The Commission's Order Approving Stipulated Settlement Agreement is incorporated herein by reference and made a part of this Order.

9. Commission records indicate Respondent has not complied with requirements of the Penalty Order and the Order Approving Stipulated Settlement Agreement. Fiscal records indicate that, only the first payment in the amount of \$300 was made, and the balance of \$1,450 remains unpaid.

10. On June 10, 2013, Staff filed a Motion to Suspend Motor Carrier Operating Authority, requesting the Commission issue an order suspending Respondent's operating authority and ordering Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

III. CONCLUSIONS OF LAW

11. The Commission finds it has jurisdiction over Respondent as the Respondent is a motor carrier as defined in K.S.A. 2012 Supp. 66-1,108.

12. The Commission finds Respondent received sufficient notice of the Commission's Penalty Order and the requirement to pay the fine as set forth in the Commission's Order Approving Stipulated Settlement Agreement.

13. The Commission finds Respondent failed to act upon this notice.

14. The Commission finds Respondent's failure to comply with requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas and therefore this Commission orders the Respondent to suspend all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2011 Supp. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. Larry Prawl, d/b/a J & L Mobile Homes of Manhattan, Kansas, is to be immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2011 Supp 66-1,129, until such time as Respondent pays the penalty amount of \$1,450. This Suspension of Operating Authority Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. Larry Prawl, d/b/a J & L Mobile Homes of Manhattan, Kansas, is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance.

C. Pursuant to K.S.A. 2012 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Executive Director, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, return receipt requested, service of this order is complete when Larry Prawl, d/b/a J & L Mobile Homes signs the Domestic Return Receipt. If service is by regular U.S. mail, service is complete upon the date of mailing plus three (3) days. Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Respondent's right to a hearing, and this Order will become a Final Order against Respondent, suspending Respondent's motor carrier operations, ordering Respondent to attend a Commission-sponsored

safety seminar within the next ninety (90) days and provide Staff with written proof of attendance.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. A corporation shall not be permitted to enter an appearance, except by its attorney.

E. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

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

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn; Wright, Com.; Albrecht, Com.

Dated: **JUN 17 2013**

Jackie Montfort Paige
ORDER MAILED JUN 17 2013

Executive Director

AS

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
AMBER SMITH, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
LARRY PAWL, CO-OWNER D/B/A J & L MOBILE HOMES 3381 MINERAL SPRINGS SPUR MANHATTAN, KS 66502		

ORDER MAILED **JUN 17 2013**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.