

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

Before Commissioners:        Andrew J. French, Chairperson  
                                      Dwight D. Keen  
                                      Annie Kuether

In the Matter of the Investigation of **Baltazar G. Ruiz d/b/a Ruiz Trucking, of Garden City,** )  
Regarding the Violation of the Motor Carrier Safety )  
Statutes, Rules and Regulations and the )     Docket No. 22-TRAM-510-PEN  
Commission's Authority to Impose Penalties, )  
Sanctions and/or the Revocation of Motor Carrier )  
Authority. )

**ORDER REINSTATING CIVIL PENALTY**

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission), on Transportation Staff's motion. The Commission, being fully advised in the premises, finds as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 66-1,111, 66-1,112, and 66-1,114b and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-3f, 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. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. BACKGROUND**

4. Baltazar G. Ruiz d/b/a Ruiz Trucking, of Garden City, Kansas (Carrier), is a motor carrier as defined in K.A.R. 82-4-3f that operates commercial motor vehicles in intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operated under USDOT Number 1458316.

6. From May 3 to May 26, 2022, Commission Staff (Staff) Special Investigators (SIs) Erica Pargas and Penny Fryback conducted a compliance investigation of the motor carrier operations of Baltazar G. Ruiz d/b/a Ruiz Trucking (Ruiz Trucking or Carrier). As a result of the investigation, SIs Pargas and Fryback identified sixteen (16) violations of the Motor Carrier Safety Regulations.

7. On May 19, 2022, the Commission issued an order in this docket suspending the intrastate motor carrier operations of Ruiz Trucking (Suspension Order) based on the findings of the Staff's compliance investigation.

8. On May 26, 2022, the Federal Motor Carrier Safety Administration issued an Unsatisfactory Safety Rating to Ruiz Trucking based on the findings of Staff's investigation.

9. On June 28, 2022, the Commission issued a Penalty Order in this docket assessing a \$12,700 civil penalty against Carrier.

10. On July 11, 2022, Ruiz Trucking filed a Motion to Vacate Fine Upon Surrender of Motor Carrier Authority.

11. On August 2, 2022, the FMCSA suspended Ruiz Trucking's interstate motor carrier operations upon the Carrier's Unsatisfactory Safety Rating becoming final.

12. On September 13, 2022, Staff filed a Joint Motion for Approval of Unanimous Settlement Agreement.

13. In the Unanimous Settlement Agreement (settlement agreement), Staff agreed to hold in abeyance the \$12,700 civil penalty contingent on Carrier's agreement to refrain from motor carrier operations and Baltazar G. Ruiz's agreement not to drive a motor vehicle while his U.S. driver's license remains suspended. Carrier agreed to these terms. According to the settlement agreement, if Carrier resumed motor carrier operations or if Mr. Ruiz is found operating a motor vehicle, including a commercial motor vehicle, while his U.S. driver's license is suspended, the \$12,700 civil penalty would be reinstated and become due and owing immediately. The Commission's Suspension Order remained in place.

14. As of September 2, 2022, Carrier's USDOT Number was listed as inactivated.

15. On September 26, 2023, Baltazar G. Ruiz was found operating a commercial motor vehicle during a roadside inspection conducted by the Kansas Highway Patrol (KHP). The record of that inspection, Driver Vehicle Examination Report No. KSHP04502153, included an "out-of-service" violation for "operating a CMV (commercial motor vehicle) without a CDL (commercial driver's license)."

16. On October 9, 2023, Staff filed a Motion to Reinstate Civil Penalty stating that Mr. Ruiz had violated the terms of the settlement. Staff stated that Mr. Ruiz did not produce a valid U.S. CDL at the time of the inspection and, in fact, does not possess any U.S. driver's license as Mr. Ruiz is not eligible for a Kansas issued driver's license or CDL due to previous Driving Under the Influence convictions and failures to submit to testing. Staff recommended the Commission issue an order reinstating the \$12,700 civil penalty to Baltazar G. Ruiz d/b/a Ruiz Trucking.

17. There was no response to Staff's Motion to Reinstate Civil Penalty.

#### **IV. CONCLUSIONS OF LAW**

18. The Commission finds it has jurisdiction over Baltazar G. Ruiz d/b/a Ruiz Trucking because it is a motor carrier as defined in K.A.R. 82-4-3f.

19. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Baltazar G. Ruiz d/b/a Ruiz Trucking's civil penalty is reasonable.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Baltazar G. Ruiz d/b/a Ruiz Trucking's \$12,700 civil penalty, issued in the Commission's June 28, 2022, Penalty Order, is hereby reinstated and payment is due immediately.

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).<sup>1</sup>

#### **BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 12/12/2023



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Lynn M. Retz  
Executive Director

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

## **CERTIFICATE OF SERVICE**

22-TRAM-510-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 12/12/2023.

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