

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

Before Commissioners: Jay Scott Emler, Chair
Shari Feist Albrecht
Pat Apple

In the Matter of the Investigation of **Solomon**)
Valley Feeders, LLC of Beloit, Kansas,)
Pursuant to the Kansas Highway Patrol)
Issuance of a Notice of Violation(s) and) Docket No. 16-GIMM-527-KHP
Invoice for the Violations of the Kansas Motor)
Carrier Safety Statutes, Rules and Regulations.)

NOTICE OF FILING OF PROPOSED ORDER

Staff hereby submits the attached Order to Dismiss Request for Hearing and Waive Civil
Penalty, which is concurrently filed with Staff's Motion to Dismiss.

Respectfully submitted,



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For Commission Staff

Before Commissioners: Jay Scott Emler, Chair
Shari Feist Albrecht
Pat Apple

ORDER TO DISMISS REQUEST FOR HEARING AND WAIVE CIVIL PENALTY

1. On May 12, 2016, the Kansas Highway Patrol issued a Notice of Violation against Solomon Valley Feeders (Respondent), for alleged violations found during a March 17, 2016, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol. Respondent was assessed an \$850.00 civil fine for the following violations: (1) a \$150 fine for “No/Improper Breakaway or Emergency Braking,” citing 393.43, (2) a \$150 fine for “Flat tire or fabric exposed,” citing 393.75A, (3) a \$150 fine for “Inoperable Required Lamp,” citing 393.9, (4) a \$150 fine for “Operating a CMV without a CDL,” citing 383.23A2 and (5) a \$250 fine for “No drivers record of duty status,” citing 395.8A.

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3. On April 26, 2016, the Kansas Highway Patrol denied Respondent's challenge and advised Solomon Valley Feeders of its right to an administrative hearing before the Commission.

4. On May 6, 2016, Respondent requested a hearing before the Commission.

5. On June 7, 2016, the Commission issued an Order Setting Hearing for July 13, 2016 at 9:00 a.m.

6. Staff has reviewed the facts surrounding the March 17, 2016, traffic stop and has determined that the available evidence does not support a violation and civil penalty against Respondent and the hearing on July 13, 2016 in this docket is no longer necessary.

7. On June 22, 2016, Staff filed a Motion to Dismiss, recommending the Commission find that Respondent's request for hearing be dismissed, the \$850 in civil penalties assessed against Respondent be waived and the status of this docket be changed to "closed."

8. The Commission has jurisdiction over this proceeding pursuant to K.S.A. 66-1,129 and K.A.R. 82-4-3, *et seq.*

9. The Commission finds that Staff's requests are reasonable and hereby dismisses Respondent's request for hearing, waives the \$850 in civil penalties assessed against Respondent, with prejudice, and closes the above docket.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) Staff's Motion to Dismiss Request for Hearing and Waive Civil Penalty is hereby granted.

(B) The \$850 in civil penalties assessed against Respondent are hereby waived, with prejudice.

(C) Respondent's Request for Hearing is hereby dismissed, with prejudice.

(D) The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

(E) 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.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: _____

Amy L. Green
Secretary to the Commission

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CERTIFICATE OF SERVICE

16-GIMM-527-KHP

I, the undersigned, certify that a true and correct copy of the above and foregoing Notice of Filing of Proposed Order was served via electronic service this 22nd day of June, 2016, to the following:

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