

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

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

In the Matter of the Emergency Suspension of )  
Operating Authority of **David Jarboe, d/b/a** )  
**Jarboe's Seed Cleaning of Leon, Kansas,** for ) Docket No. 17-TRAM-248-OOS  
Failure to Comply with New Entrant Safety )  
Requirements as Required by the Motor Carrier )  
Safety Statutes, Rules and Regulations. )

**ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY**

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

**I. JURISDICTION**

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 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. 2015 Supp. 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. 2015 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. BACKGROUND**

4. David Jarboe, d/b/a Jarboe's Seed Cleaning is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. David Jarboe, d/b/a Jarboe's Seed Cleaning is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2903846.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that David Jarboe, d/b/a Jarboe's Seed Cleaning's New Entrant Registration had been revoked effective December 12, 2016 for failure to comply with safety requirements.

7. Pursuant to the above authority, on December 20, 2016, the Commission entered an Emergency Suspension of Operating Authority Order on David Jarboe, d/b/a Jarboe's Seed Cleaning in the above-referenced docket, until such time that Staff recommended reinstatement.

## **III. STAFF'S RECOMMENDATION**

8. On January 12, 2017, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that David Jarboe, d/b/a Jarboe's Seed Cleaning has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2903846 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate David Jarboe, d/b/a Jarboe's Seed Cleaning's motor carrier operating authority in Kansas.

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

10. The Commission finds it has jurisdiction over David Jarboe, d/b/a Jarboe's Seed Cleaning because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate David Jarboe, d/b/a Jarboe's Seed Cleaning's operating authority in Kansas is reasonable.

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

(A) David Jarboe, d/b/a Jarboe's Seed Cleaning's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

(B) David Jarboe, d/b/a Jarboe's Seed Cleaning remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on December 20, 2016.

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

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

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 24 2017

  
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Amy L. Green  
Secretary to the Commission

AAL

Order Mailed Date

JAN 25 2017



U.S. Department of  
Transportation  
**Federal Motor  
Carrier Safety  
Administration**

DAVID JARBOE  
OWNER  
JARBOE'S SEED CLEANING  
9505 SE ELVIS RD  
LEON, KS 67074-9083

1200 New Jersey Ave., S.E.  
Washington, DC 20590  
January 12, 2017

In reply refer to:  
USDOT Number: 2903846

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since JARBOE'S SEED CLEANING's USDOT New Entrant registration was revoked on December 12, 2016, based on a failed safety audit conducted on October 3, 2016. Our records also indicate that JARBOE'S SEED CLEANING has reapplied in accordance with 49 CFR section 385.329. JARBOE'S SEED CLEANING's reapplication for USDOT New Entrant registration has been approved.

JARBOE'S SEED CLEANING's 18-month new entrant safety monitoring period restarts as of January 12, 2017. FMCSA will continue to monitor and evaluate JARBOE'S SEED CLEANING's safety management practices and on-road performance to ensure JARBOE'S SEED CLEANING has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of JARBOE'S SEED CLEANING's USDOT New Entrant or permanent registration.

Sincerely,

Joseph P. DeLorenzo, Director, Office of  
Enforcement and Compliance

**CERTIFICATE OF SERVICE**

17-TRAM-248-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on JAN 24 2017.

DAVID JARBOE, OWNER  
DAVID JARBOE  
D/B/A JARBOE'S SEED CLEANING  
9505 SE ELVIS RD  
LEON, KS 67074-9083

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

**Order Mailed Date**

**JAN 25 2017**