

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

In the Matter of the Investigation of **Free State** )  
**Growers, Inc., d/b/a Alex R. Masson of Linwood,** )  
**Kansas** Regarding the Violation of the Motor Carrier )  
Safety Statutes, Rules and Regulations and the ) Docket No. 15-TRAM-246-PEN  
Commission's Authority to Impose Penalties, Sanctions )  
and/or the Revocation of Motor Carrier Authority )

**STAFF'S MOTION TO DISMISS  
RESPONDENT'S REQUEST FOR HEARING**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) presents the above-captioned matter to the Commission for dismissal of Free State Growers, Inc., d/b/a Alex R. Masson's (Respondent) Request for a Hearing with prejudice. In support of its Motion, Staff states as follows:

1. On December 23, 2014, the Commission issued a Penalty Order in this docket assessing fines against Respondent for violations found during a November 12, 2014, compliance review.
2. On or about January 2, 2015, Respondent submitted a Request for Hearing, which was filed in the above-referenced docket on January 5, 2015.
3. No Notice of Hearing setting the matter for hearing before the Commission has yet been sent to Respondent.
4. On January 9, 2015, Litigation Counsel, Michael J. Duenes, and Respondent discussed Respondent's request for hearing by phone. In the course of this discussion, Respondent clarified that it was not contesting the violations found during the Commission's November 12, 2014, compliance review. Rather, Respondent was seeking a hearing in the hope

of having its Penalty Order fines waived by the Commission. Thus, the proper basis for a hearing does not exist.

5. Staff, therefore, moves to dismiss Respondent's request for a hearing based on the fact that Respondent does not contest the violations and fines, has agreed to pay the fines as assessed and to comply with all other actions ordered in above-referenced Penalty Order.

6. Staff notes that all Commission notices of violations, subsequent invoices and enforcement actions against Respondent remain in effect.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission find that Respondent's Request for Hearing be dismissed and that all Commission notices of violations, subsequent invoices and enforcement actions, if any, remain in effect.

Respectfully submitted,



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Michael J. Duenes, S. Ct. #26431  
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For Commission Staff

**VERIFICATION**

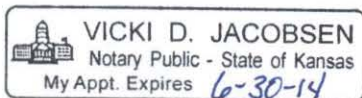
STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF SHAWNEE            )

Michael J. Duenes, 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 Dismiss Respondent's Request for Hearing*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Michael J. Duenes, S.Ct. #26431  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 12th day of January, 2015.



  
Notary Public

My appointment expires: June 30, 2018

**CERTIFICATE OF SERVICE**

15-TRAM-246-PEN

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing docket was served via electronic service this 12th day of January, 2015, to the following:

MARK ILLAUSKY, PRESIDENT  
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D/B/A ALEX R. MASSON  
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Vicki Jacobsen