

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Investigation of **Garden City**)
Movers Expedited Freight & Delivery LLC of)
Shawnee, Kansas, Regarding the Violation(s) of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 21-TRAM-455-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the Revocation)
of Motor Carrier Authority.)

ORDER GRANTING STAFF'S MOTION TO VACATE PENALTY 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. 66-1,111, 66-1,112g, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-3f as adopted 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, 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.

II. FINDINGS OF FACTS

3. Garden City Movers Expedited Freight & Delivery LLC (Garden City Movers or Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, which operated commercial motor vehicles in interstate commerce under the USDOT Number 3208051.

4. On June 15, 2021, Commission Staff (Staff) UCR Manager Verna Jackson submitted a Report and Recommendation regarding Carrier's failure to pay its UCR fees for year 2020.

5. On June 22, 2021, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2020 UCR fees.

6. On July 19, 2021, Adan Gonzalez, Owner of Garden City Movers, contacted Staff stating Carrier has not been in operations and requested deactivation of its USDOT profile. Staff deactivated Carrier's USDOT profile.

7. On July 30, 2021, Transportation Staff filed its Motion to Vacate Penalty Order recommending the Commission vacate the Penalty Order issued on June 22, 2021.

III. CONCLUSIONS OF LAW

8. The Commission finds it has jurisdiction over Garden City Movers Expedited Freight & Delivery LLC because Carrier is a motor carrier as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.

9. The Commission further finds that Carrier was not in operation and that Staff has deactivated Carrier's USDOT profile.

10. Therefore the Commission concludes it is appropriate to vacate the Penalty Order issued June 22, 2021

THE COMMISSION THEREFORE ORDERS THAT:


A. The Penalty Order issued to Garden City Movers Expedited Freight & Delivery LLC on June 22, 2021, is hereby vacated.

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).¹

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 08/05/2021 _____



Lynn M. Retz
Executive Director

AAL

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

CERTIFICATE OF SERVICE

21-TRAM-455-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
08/05/2021
first class mail and electronic service on _____.

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/S/ DeeAnn Shupe

DeeAnn Shupe