

4. On June 28, 2022, the Commission issued a Penalty Order assessing a \$12,700 civil penalty against Carrier. On July 11, 2022, Ruiz Trucking filed a Motion to Vacate Fine Upon Surrender of Motor Carrier Authority.

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

6. On September 13, 2022, Staff filed a Joint Motion for Approval of Unanimous Settlement Agreement. In the Unanimous Settlement Agreement (Settlement Agreement), Staff agreed to hold in abeyance the \$12,700 civil penalty if: (1) Carrier agrees to refrain from motor carrier operations and (2) Mr. Ruiz agrees not to drive a motor vehicle while his U.S. driver's license remains suspended.² If Carrier resumed motor carrier operations or if Mr. Ruiz is found operating a motor vehicle, while his U.S. driver's license is suspended, the \$12,700 civil penalty would be reinstated and become due immediately, with the possibility of additional penalties and sanctions.³ The Commission's Suspension Order remained in place.⁴

7. On September 26, 2023, Mr. Ruiz was found operating a commercial motor vehicle during a roadside inspection conducted by the Kansas Highway Patrol (KHP). On October 9, 2023, Staff filed a Motion to Reinstate Civil Penalty based on Mr. Ruiz violating the terms of the Settlement Agreement,⁵ and recommended the Commission issue an order reinstating the \$12,700 civil penalty to Baltazar G. Ruiz d/b/a Ruiz Trucking.⁶ Neither Carrier nor Mr. Ruiz responded to Staff's Motion to Reinstate Civil Penalty.⁷

² Unanimous Settlement Agreement, Sept. 13, 2022, ¶ 14.

³ *Id.*, ¶ 15.

⁴ *Id.*, ¶ 13.

⁵ Motion to Reinstate Civil Penalty, Oct. 9, 2023, ¶ 12.

⁶ *Id.*, ¶ 17.

⁷ Order Reinstating Civil Penalty, Dec. 12, 2023, ¶ 17.

8. On December 12, 2023, the Commission issued an Order Reinstating Civil Penalty, reinstating the \$12,700 civil penalty on Baltazar G. Ruiz d/b/a Ruiz Trucking and making it due immediately.⁸

9. On December 21, 2023, Mr. Ruiz mailed a one page, handwritten letter to the Commissioners, claiming he was never presented with violation codes as to what his trucking operation violated and requesting a hearing. The letter, which includes the docket number, but no caption or anything else to identify it as a Petition for Reconsideration, fails to allege any deficiencies in the Commission's December 21, 2012 Order. A petition for reconsideration must state the specific grounds upon which relief is requested.⁹ Despite these defects, since Mr. Ruiz appears *pro se*, the Commission will liberally interpret his letter as a petition for reconsideration.

10. Mr. Ruiz's letter questions why he is being assessed a \$12,700 fine. Yet, he entered a Unanimous Settlement Agreement, in which: (1) Carrier stipulated to the violations listed in the Commission's Penalty Order,¹⁰ and (2) "Carrier understands that if it chooses to resume motor carrier operations or if Mr. Ruiz is found driving a motor vehicle while his license is suspended, the \$12,700 civil penalty would be reinstated and become due and owing immediately."¹¹ The Settlement Agreement also provided, "This Unanimous Settlement Agreement shall be binding on all parties upon signing."¹² Mr. Ruiz is belatedly attempting to free himself from the Unanimous Settlement Agreement. But he does not allege that the Unanimous Settlement Agreement was reached under duress or fraud, a result of failure by one or both parties to disclose a material fact, that Carrier lacks capacity to enter a contract, or its terms are unconscionable. Thus, there is no reason to invalidate the

⁸ Order Reinstating Civil Penalty, Dec. 12, 2023, Ordering Clause A.

⁹ K.S.A. 77-529(a)(2).

¹⁰ Unanimous Settlement Agreement, ¶ 11.

¹¹ *Id.*, ¶ 15.

¹² *Id.*, ¶ 17.

Unanimous Settlement Agreement. Carrier and Mr. Ruiz remain bound by the Unanimous Settlement Agreement.

11. A petition for reconsideration must allege specific grounds for the Order's unlawfulness or unreasonableness.¹³ Mr. Ruiz's letter fails to allege any specific defects with the Order or that the Order was in any way unlawful or unreasonable. Instead, his letter merely criticizes the SIs that investigated Carrier. Mr. Ruiz's request for a hearing is denied. Furthermore, the Commission denies his Petition for Reconsideration.

THEREFORE, THE COMMISSION ORDERS:

- A. Mr. Ruiz's Petition for Reconsideration is denied.
- B. This Order constitutes final agency action.¹⁴ Any request for review of this action shall be in accordance with K.S.A. 77-607 and K.S.A. 77-613. Lynn M. Retz, Executive Director, is designated by the Commission to receive service of a petition for judicial review.¹⁵

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 12/28/2023



Lynn M. Retz
Executive Director

BGF

¹³ *Peoples Natural Gas Div. of Northern Natural Gas v. Kansas Corp. Comm'n*, 7 Kan. App. 2d 519, 526, rev. denied 231 Kan. 801 (1982)

¹⁴ K.S.A. 77-607(b)(1).

¹⁵ K.S.A. 77-613(e).

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 12/28/2023.

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