

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Suspension of Operating)
Authority of **A & C Logistics Inc of Park City,**)
Kansas, for Failure to Comply with New Entrant)
Safety Requirements as Required by the Motor) Docket No. 25-TRAM-071-OOS
Carrier Safety Statutes, Rules and Regulations.)
)

**ORDER ADOPTING THE FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION'S ORDER AND SUSPENDING OPERATING AUTHORITY**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and decision. Having reviewed the records and being duly advised in the premises, the Commission makes the following findings:

I. Background

1. On June 28, 2024, the Federal Motor Carrier Safety Administration (“FMCSA”) forwarded a notice of violation(s) of the federal motor carrier safety regulations to A & C Logistics Inc (“Carrier”), wherein Carrier was notified that a fine payment to the FMCSA was at least 90 days past due.¹ As a result, the FMCSA issued Carrier an Order to Cease All Interstate Transportation with an effective date of July 8, 2024 at 12:01 a.m. The FMCSA’s Order is attached hereto as Attachment “A” and is hereby incorporated by reference.

2. On July 8, 2024, the FMCSA placed the Carrier out-of-service for failure to pay a fine. The Out of Service Record is attached hereto as Attachment “B” and is hereby incorporated by reference.

¹ See Attachment A.

3. Pursuant to the Federal Order, Carrier's operations were placed out of service immediately and Carrier must immediately cease all interstate motor carrier operations.²

II. Legal Standards

4. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and as adopted by 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.

5. 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.

6. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

III. Analysis

7. Carrier is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f, which operates commercial motor vehicle(s) in interstate commerce in a manner that requires Commission authority.

8. Carrier is registered as a motor carrier with the U.S. Department of Transportation ("USDOT"), and operates under USDOT Number 3791108.

² See Attachment A.

9. The Commission considers Carrier received sufficient notice from the FMCSA of the violation(s) of motor carrier safety rules and regulations, and a requisite opportunity to correct the violation(s) and to obtain compliance. However, Carrier failed to act upon the FMCSA's notice.

10. Therefore, the Commission finds that it is imperative to the safety and welfare of the public of the state of Kansas that the Federal Order be adopted and that the Carrier's intrastate motor carrier operations be suspended, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as the carrier takes the necessary steps to become compliant. This includes submitting to the Commission verifiable evidence of the correction of the violation(s) noted in Federal Order including, but not limited to, proof of federal reinstatement and attendance of a Commission-sponsored safety seminar within ninety (90) days from the date of this Order. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. The proof of attendance at the safety seminar should be submitted to Litigation Counsel.

THEREFORE, THE COMMISSION ORDERS:

- A. The Federal Motor Carrier Safety Administration's Order to Cease All Interstate Transportation issued on June 24, 2024 is hereby accepted and adopted.
- B. A & C Logistics Inc of Park City, Kansas is to be immediately suspended from all intrastate Kansas commercial motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as Carrier presents to Staff verifiable evidence, including, but not limited to, proof of federal reinstatement documenting the correction of the safety concerns identified in the FMCSA's June 24, 2024 Order to Cease All Interstate Transportation. This Order may also attach and

apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspend operating authority.

C. A & C Logistics Inc is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance.

D. **Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Executive Director, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Order.**

Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Order will become a Final Order.

E. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 07/23/2024



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”



U.S. Department of
Transportation

**Federal Motor Carrier
Safety Administration**

Western Service Center

Golden Hills Office Centre
12600 W Colfax Ave Ste B300
Lakewood, CO 80215-3753

Phone: (303) 407-2350

Fax: (303) 407-2339

UPS

1ZA4762T0192243438

June 24, 2024

A & C LOGISTICS INC
8676 CARR LOOP
WESTMINSTER, CO, 80005

ORDER TO CEASE ALL INTERSTATE TRANSPORTATION AND REGISTRATION SUSPENSION

USDOT # 3791108

MC # 1360819

EFFECTIVE July 8, 2024 at 12:01 am

This Order to Cease All Interstate Transportation and Registration Suspension is issued pursuant to 49 CFR §§ 386.83(a), 386.84(a). At least 90 days ago, you were required to make a payment to the Federal Motor Carrier Safety Administration (FMCSA) regarding an agency Final Order assessing a civil penalty of \$2,520.00 in case number CO-2024-0004-US1699. You were notified of this claim against you by Notice of Claim dated October 12, 2023.

On November 17, 2023 a settlement agreement was executed in case number CO-2024-0004-US1699; the settlement agreement becomes the Final Agency Order in this proceeding in accordance with the provisions of 49 CFR § 386.22. The settlement agreement required you to pay in six (6) monthly installment payment(s) beginning on January 8, 2024. You failed to make the April 8, 2024 payment. By letter, dated we informed you that pursuant to 49 CFR § 386.84(a)(2) you are no longer permitted to make monthly payments; the entire original penalty of \$2,520.00 (less any payments made) became due and payable on the date of that missed payment. The remaining balance due is now \$1,625.00.

Pursuant to 49 USC § 521(b)(8) and 49 CFR §§ 386.83(a)(1), 386.84(a)(1), if you fail to pay your civil penalty within 90 days of the due date, you will be prohibited from operating in interstate commerce and your registration will be suspended on the 91st day (unless, pursuant to 49 CFR §§ 386.83(d), 386.84(d), you have filed for bankruptcy and submit the proper evidence). In this case, you will be prohibited from operating in interstate commerce and your registration will be suspended on July 8, 2024 and the prohibition and registration suspension will remain in effect until this agency has received full payment. If you have been subject to any Order(s) to cease interstate transportation , and/or your registration has been suspended or revoked, in any other case(s) or proceeding(s), this Order to Cease All Interstate Transportation and Registration

Suspension will be in addition to, and will not supersede, amend, or modify any Orders, notices, and/or requirements in any other case(s) or proceeding(s).

Please be aware, this Order and Registration Suspension may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease interstate transportation.

If you have filed for bankruptcy, you must submit evidence to the Assistant Administrator at the address below:

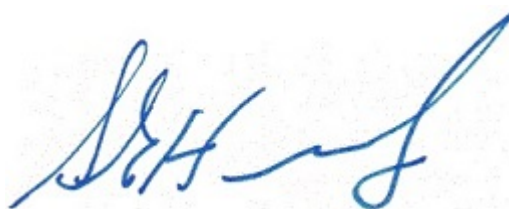
Assistant Administrator
Attn: Steven B. Farbman, Adjudications Counsel
Sixth Floor, West Building
MC-CC, Room W63-403
1200 New Jersey Avenue, SE
Washington, DC 20590

You must send a copy of the evidence to the appropriate Service Center at the address below:

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Western Service Center
Golden Hills Office Centre
12600 W Colfax Ave Ste B300
Lakewood, CO 80215-3753
Attn: Enforcement Program Technician

Your registration is suspended and you are hereby ORDERED TO CEASE ALL INTERSTATE TRANSPORTATION effective July 8, 2024 at 12:01 a.m.

Sincerely,



Scott G. Hernandez, Regional Field Administrator
Federal Motor Carrier Safety Administration
Western Service Center

Enclosure

IMPORTANT INFORMATION

You should read the provisions of 49 C.F.R. §§ 386.83, 386.84 carefully and seek legal advice if you do not understand or are confused about your rights and obligations with respect to the ORDER.

1. Where To Send Payment

You may pay electronically through our SAFER website at <http://safer.fmcsa.dot.gov> by selecting "Online Fine Payment" option under the FMCSA Services section. Alternatively, you can mail your **cashier's check**, **certified check** or **money order** payable to the **Federal Motor Carrier Safety Administration**. The payment should be mailed to:

Federal Motor Carrier Safety Administration
Western Service Center
Golden Hills Office Centre
12600 W Colfax Ave Ste B300
Lakewood, CO 80215-3753
Attn: Enforcement Program Technician

To expedite processing and ensure proper credit, checks should be annotated with your Case Number **CO-2024-0004-US1699** and your Internal Revenue Service ID number (i.e., TIN or EIN) or your Social Security Number. Failure to provide this information could delay the posting of your payment.

2. Where To Send Evidence

You **must** submit evidence that you have paid the entire amount due (such as a copy of the check) to the Assistant Administrator at the address below.

Assistant Administrator
Attn: Steven B. Farbman, Adjudications Counsel
Sixth Floor, West Building
MC-CC, Room W63-403
1200 New Jersey Avenue, SE
Washington, DC 20590

You must send a copy of the evidence to the appropriate Service Center at the address below:

Federal Motor Carrier Safety Administration
Western Service Center
Golden Hills Office Centre
12600 W Colfax Ave Ste B300
Lakewood, CO 80215-3753
Attn: Enforcement Program Technician

To allow the agency time to process your payment before the prohibition on interstate transportation in this case takes effect, you should immediately send your payment as described in Section #1 and send evidence of payment to the address noted above.

3. Where To Send Proof of Filing For Bankruptcy

Sanctions for failure to pay civil penalties or abide by a payment plan do not apply to any person who is unable to pay a civil penalty because the person is a debtor under Title 11 of United States Code.

If you have filed for bankruptcy, you must provide the following evidence

- (a) the chapter of the Bankruptcy Code under which the bankruptcy proceeding is filed;
- (b) the bankruptcy case number;
- (c) the court in which the bankruptcy proceeding was filed; and
- (d) any other information requested by this agency to determine your bankruptcy status to:

Assistant Administrator
Attn: Steven B. Farbman, Adjudications Counsel
Sixth Floor, West Building
MC-CC, Room W63-403
1200 New Jersey Avenue, SE
Washington, DC 20590

You must also send a copy of this bankruptcy information to:

Federal Motor Carrier Safety Administration
Western Service Center
Golden Hills Office Centre
12600 W Colfax Ave Ste B300
Lakewood, CO 80215-3753
Attn: Enforcement Program Technician

4. Consequences of Continuing To Operate In Violation of an Order to Cease All Interstate Transportation and/or Registration Suspension.


Failure to comply with this order may subject the carrier to a penalty in accordance with 49 USC 521 (b)(2)(a) and the minimum/maximum penalty schedule in 49 CFR Part 386 Appendix A and B. If you continue to operate in interstate commerce in violation of 49 C.F.R. §§ 386.83 and/or 386.84, you may be subject to having your registration revoked, and may also be subject to an action in Federal district court seeking injunctive relief (See 49 U.S.C. §§ 507 and 13905; 49 C.F.R. §§ 386.83(c), 386.84(c)).

CERTIFICATE OF SERVICE

This is to certify that on June 24, 2024, the undersigned mailed or delivered, as specified, the designated number of copies of the **Order to Cease All Interstate Transportation and Registration Suspension** to each of the parties listed below.

Each party listed below must receive the designated number of copies of each filing made in this proceeding in the future.

<p>A & C LOGISTICS INC 8676 CARR LOOP WESTMINSTER, CO, 80005</p> <p>Case # CO-2024-0004-US1699 U.S. DOT # 3791108</p>	<p>One Copy by:</p> <p>UPS Tracking Number: 1ZA4762T0192243438</p>
<p>Steve Kleszczynski, Division Administrator Colorado Division U.S. Department of Transportation Federal Motor Carrier Safety Administration 12300 W Dakota Ave, Ste 130 Lakewood, CO 80228-2586</p>	<p>One Copy Internal Mail</p>
<p>Trial Attorney Federal Motor Carrier Safety Administration Western Service Center Golden Hills Office Centre 12600 W Colfax Ave Ste B300 Lakewood, CO 80215-3753</p>	<p>One Copy Internal Mail</p>
<p>U.S. Department of Transportation Federal Motor Carrier Safety Administration FMCSA Docket Clerk Western Service Center Golden Hills Office Centre 12600 W Colfax Ave Ste B300 Lakewood, CO 80215-3753</p>	<p>One Copy Internal Mail</p>



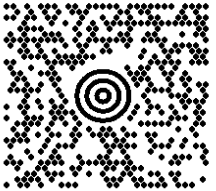

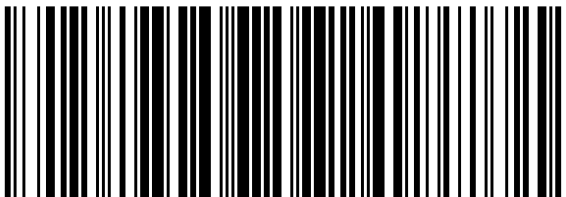

UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.
3. **GETTING YOUR SHIPMENT TO UPS Customers with a Daily Pickup**
Your driver will pickup your shipment(s) as usual.

Customers without a Daily Pickup

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages. Hand the package to any UPS driver in your area. Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

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DREW TATE FMCSA-WSC 12600 W COLFAX AVE LAKEWOOD CO 80215		0.5 LBS LTR	1 OF 1
SHIP TO: DEMARCUS RHODES 7203775606 A & C LOGISTICS INC 8676 CARR LOOP ARVADA CO 80005-1568			
	CO 802 9-30 		
UPS NEXT DAY AIR		1	
TRACKING #: 1Z A47 62T 01 9224 3438			
			
BILLING: P/P			
<small>CS 24.5.00. WNTNV50 26.0A 06/2024*</small>			

ATTACHMENT “B”

USDOT Number:	3791108	Company Type:	CARRIER	Status:	ACTIVE
Legal Name:	A & C LOGISTICS INC				
Physical Address:	1519 E CEDAR TREE, PARK CITY, KS 67219				
Carrier is currently under a Federal OOS					

OOS Date	State	Rescind Date	Reason Description
<input checked="" type="radio"/> 07/08/2024			90 DAY FAILURE TO PAY FINE

Please select the desired action to proceed:

Add

Modify

Delete

CERTIFICATE OF SERVICE

25-TRAM-071-OOS

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 07/23/2024.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

Demarcus Rhodes, CEO
A & C Logistics Inc
8676 Carr Loop
Westminster, CO 80005
a3dlogistics@gmail.com

/S/ KCC Docket Room
KCC Docket Room
