

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman  
Ward Loyd  
Thomas E. Wright

In the Matter of the Investigation of JCMC, )  
Inc., d/b/a Jim Clark Auto Center of Junction )  
City, Kansas, Regarding the Violation of the )  
Motor Carrier Safety Statutes, Rules and ) Docket No. 12-TRAM-779-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 DISMISS**

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 fully advised on the premises, the Commission finds and concludes as follows:

1. On May 4, 2012, the Commission issued a Penalty Order against JCMC, Inc., d/b/a Jim Clark Auto Center (Respondent) assessing fines for violations found during a safety compliance review conducted on April 23, 2012, by Special Investigator Lance Jones.
2. On May 14, 2012, Respondent filed a request for hearing.
3. On May 16, 2012, Staff prepared and filed a Notice of Hearing setting this matter before the Commission on July 12, 2012, at 9:00 p.m.
4. On May 22, 2012, Staff of the State Corporation Commission of the State of Kansas (Staff) filed a Motion to Dismiss, recommending the Commission dismiss with prejudice the pending civil enforcement action Respondent and close the docket.

5. In Staff's motion, Staff recommended to the Commission to dismiss the pending enforcement action with prejudice against Respondent as Staff believes it has insufficient evidence to proceed at this time.

6. The Commission has jurisdiction over this proceeding pursuant to K.S.A. 2011 Supp. 66-1,129 and K.A.R. 82-4-3, et seq.

7. The Commission finds that Staff's requests are reasonable and hereby dismisses the current enforcement action with prejudice against Respondent and closes the above docket.

**IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:**

(A) Staff's Motion to Dismiss is hereby granted.

(B) The above-captioned civil enforcement action against Respondent is hereby dismissed with prejudice.


(C) The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2011 Supp. 77-529(a)(1).

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

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

Sievers, Chmn; Loyd, Com.; Wright, Com.

Dated:           MAY 31 2012          

  
ORDER MAILED JUN 01 2012  
Patrice Petersen-Klein  
Executive Director

AS

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

| NAME AND ADDRESS  | NO.<br>CERT.<br>COPIES | NO.<br>PLAIN<br>COPIES |
|---|------------------------|------------------------|
| William Thornberg, GENERAL MANAGER<br>JCMC, Inc.<br>D/B/A Jim Clark Auto Center<br>PO Box 1727<br>Junction City, KS 66441                   |                        |                        |
| AMBER SMITH, LITIGATION COUNSEL<br>KANSAS CORPORATION COMMISSION<br>1500 SW ARROWHEAD ROAD<br>TOPEKA, KS 66604-4027<br>***Hand Delivered*** |                        |                        |

ORDER MAILED JUN 01 2012

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.