

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

Before Commissioners:                      Dwight D. Keen, Chair  
    Shari Feist Albrecht  
    Susan K. Duffy

In the Matter of the General Investigation    )  
of **Prime, Inc. of Springfield, Missouri,**    )  
Pursuant to the Kansas Highway Patrol    ) Docket No. 20-GIMM-031-KHP  
Issuance of a Notice of Violation(s) and    )  
Invoice for the Violations of the Kansas    )  
Motor Carrier Safety Statutes, Rules and    )  
Regulations.                                        )

**ORDER APPROVING STIPULATED SETTLEMENT AGREEMENT**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. BACKGROUND**

1. On June 28, 2019, the Kansas Highway Patrol issued a Notice of Violation(s) against Prime, Inc. (Respondent), for an alleged violation found during a June 24, 2019, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol (KHP).

2. As a result of this inspection, Respondent was assessed \$250 in civil fines, comprised of the following violation: a \$250.00 fine for Operating a CMV while ill or fatigued, citing 392.3.

3. On July 4, 2019, Respondent initiated a formal challenge with the KHP.

4. In a letter dated July 17, 2019, the Kansas Highway Patrol denied Respondent's challenge and advised Respondent of its right to an administrative hearing before the Commission.

5. On July 22, 2019, Respondent requested a hearing before the Commission.

6. On August 1-2, 2019, Steve Field, Safety Director of Prime, Inc., and Ahsan A. Latif, Litigation Counsel for Staff, informally discussed the possibility of a settlement via electronic correspondence. During this and subsequent informal discussions, Staff and Respondent were able to reach mutually agreeable terms in anticipated settlement of the issues. It was agreed that Staff would subsequently reduce the terms to writing and forward the draft to Respondent for approval and signature.

7. On August 5, 2019, Staff filed a Joint Motion for Approval of Stipulated Settlement Agreement. The Stipulated Settlement Agreement is attached to this Order.

8. Respondent agrees to operate commercial motor vehicles subject to the Commission's jurisdiction in a safe manner.

9. In signing the Stipulated Settlement Agreement, the parties agree that the Agreement constitutes a reasonable and fair resolution of the outstanding issues raised in this proceeding.

## **II. FINDINGS AND CONCLUSIONS**

10. The Commission finds that the terms and provisions of the Stipulated Settlement Agreement constitute a reasonable and appropriate final resolution of this matter.

11. The Commission concludes that settlements are favored by the law. *Bright v. LSI Corp.*, 254 Kan. 853, 869 P.2d 686 (1994). A settlement of issues, all or part, with or without unanimous agreement, will be entertained by the Commission.

12. The Commission further concludes that pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 66-1,108b, 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. The Commission may fine, sanction, suspend, cancel or revoke a carrier's authority in accordance with K.S.A. 66-1,129a, 66-1,130 and 66-1,142b. Further, the Commission has the authority to investigate a party in accordance with K.A.R. 82-1-237.

13. The Commission has reviewed the Stipulated Settlement Agreement attached hereto and concludes that the terms and provisions therein are an appropriate and reasonable disposition of this matter. The Commission therefore adopts and incorporates by reference the terms of the Agreement.

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

A. The Joint Motion for Approval the Stipulated Settlement Agreement entered into between Prime, Inc. and Transportation Staff is hereby granted. The terms of the Stipulated Settlement Agreement are approved and are hereby incorporated by reference.

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).<sup>1</sup>

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.


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

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 08/08/2019

A handwritten signature in cursive script, reading "Lynn M. Retz", written in dark ink.

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Lynn M. Retz  
Executive Director

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## **CERTIFICATE OF SERVICE**

20-GIMM-031-KHP

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
electronic service on 08/08/2019.

STEVE FIELD, SAFETY DIRECTOR  
PRIME, INC.  
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/S/ DeeAnn Shupe  
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DeeAnn Shupe