

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Pat Apple

In the Matter of the Investigation of **Muller**)
Auto Transport LLC, of Paxico, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-307-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

ORDER AMENDING PENALTY ORDER

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. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 884531.
2. On February 6, 2018, the Commission issued Respondent a Penalty Order assessing a \$1200 penalty as a result of four (4) violations of the Kanas Motor Carrier Safety Regulations found during a Compliance Review conducted on January 10, 2018, by Transportation Division Special Investigator Jared Smith.
3. On March 1, 2018, Staff Filed a Motion to Amend the Penalty Order to remove the previously assessed penalty of \$500 alleging the carrier failed to obtain and maintain proper Commission authority in violation of K.S.A. 2016 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2016 Supp. 66-1,129.

4. Staff states in its motion that additional documentation has been produced which demonstrates that the motor carrier obtained and maintained proper Commission authority.

II. FINDINGS AND CONCLUSIONS

5. The Commission finds it has jurisdiction over Respondent because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

6. Based on the available facts, the Commission finds that Staff's Motion to Amend Penalty Order to remove the penalty assessed prior to the production of additional documentation is reasonable.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Penalty Order issued on February 6, 2018, to Muller Auto Transport LLC, of Paxico, Kansas, is hereby amended to remove the previously assessed penalty of \$500 alleging the carrier failed to obtain and maintain proper Commission authority in violation of K.S.A. 2016 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2016 Supp. 66-1,129.

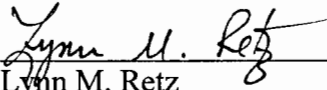
(B) The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

(C) 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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 06 2018



Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

MAR 07 2018

CERTIFICATE OF SERVICE

18-TRAM-307-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

first class mail/hand delivered on MAR 06 2018.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

PATTI MULLER, CO-OWNER
MULLER AUTO TRANSPORT LLC
22294 NW SNOKOMO FRONTAGE RD
PAXICO, KS 66526-9388
psm@mullerautotransport.com

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
MAR 07 2018