

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

In the Matter of the Investigation of **Matthias W. Schroeder of Hunter, Kansas**, Regarding the Violation of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.)
Docket No. 19-TRAM-051-PEN

STAFF'S MOTION FOR ORDER SETTING HEARING

The Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively), by and through its counsel, Ahsan A. Latif, hereby files its Motion for Order Setting Hearing. In Support, Staff states as follows:

1. On June 21, 2018, Commission Staff (Staff) Special Investigator Gregory Askren conducted a compliance review of the operations of Matthias W. Schroeder. As a result of this investigation, the special investigator identified seven violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations.

2. On August 9, 2018, the Commission issued Respondent a Penalty Order that assessed a civil penalty of \$4,100 for the seven violations identified during the compliance review. The Penalty Order was sent via certified mail to Mr. Schroeder's address of record on August 10, 2018. The Penalty Order was returned as unclaimed on August 28, 2018. The Penalty Order was then resent via regular U.S. mail on September 17, 2018 and was not returned.

3. Pursuant to K.S.A. 77-531(b), "service by mail is complete upon mailing." Staff therefore established a service date of September 20, 2018 and payment of the civil fine was due on or before October 22, 2018.

4. On October 29, 2018, a collection letter was sent to Mr. Schroeder at his address of record. The collection letter reminded Mr. Schroeder of his obligation to pay the overdue civil penalty and stated that “payment must be made within the next ten days.” The collection letter was not returned.

5. On November 13, 2018, Staff filed its Motion to Suspend Intrastate Motor Carrier Operations, requesting the Commission issue an order suspending Mr. Schroeder’s intrastate motor carrier operations for failure to comply with the requirements of the Commission’s Penalty Order of August 9, 2018.

6. On November 20, 2018, the Commission issued its Order Suspending Intrastate Motor Carrier Operations. The Order immediately suspended “all intrastate commercial motor carrier operations” of Matthias W. Schroeder and was sent via certified mail to Mr. Schroeder’s address of record.

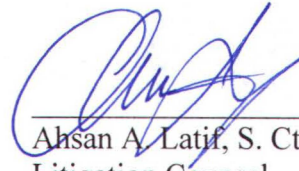
7. On December 10, 2018, Staff received Mr. Schroeder’s Request for Hearing on Out-of-Service Order dated December 8, 2018. In the request for hearing, Mr. Schroeder stated: “I need a hearing to be set probably in the middle of January 2019. I won’t be available in December of 2018.”

8. Pursuant to K.S.A. 66-1,129a, when a hearing is requested on a Commission Order which suspends motor carrier operations, “the hearing shall be held within 10 days of the request.” However, because Mr. Schroeder has stated his unavailability until mid-January, Staff agrees to accommodate his request. However, the Order Suspending Intrastate Motor Carrier Operations will remain in effect and continue to be enforced until Mr. Schroeder is available to attend a hearing.

9. Staff requests the Evidentiary Hearing in this docket be set for Thursday, January 17, 2018 with a pre-filed testimony deadline of January 7, 2018.

WHEREFORE, Staff respectfully requests the Commission issue an order setting hearing in this docket for January 17, 2018.

Respectfully submitted,



Ahsan A. Latif, S. Ct. #24709
Litigation Counsel
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
Phone: 785-271-3118
Fax: 785-271-3167
Email: a.latif@kcc.ks.gov

Attorney for Commission Staff

VERIFICATION

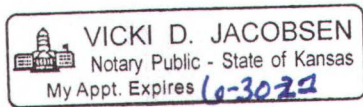
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

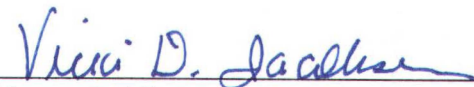
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Staff's Motion for Order Setting Hearing* and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 14th day of December, 2018.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE


19-TRAM-051-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion for Order Setting Hearing was served via electronic service and first class U.S. mail this 14th day of December, 2018, to the following:

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
m.duenes@kcc.ks.gov

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

MATTHIAS W. SCHROEDER, OWNER
MATTHIAS W. SCHROEDER
PO BOX 1
HUNTER, KS 67452
schroeder74j@gmail.com



Vicki Jacobsen