

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Investigation of **Paul Jacob Diehl, Jr., d/b/a Diehl Farms, of Garden City, 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.)
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) Docket No. 18-TRAM-427-PEN
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MOTION TO AMEND PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, files its motion requesting the Commission amend the Penalty Order issued to Paul Jacob Diehl, Jr., d/b/a Diehl Farms, of Garden City, Kansas (Respondent) on April 12, 2018. In support of its Motion, Staff states as follows:

1. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2983904.
2. On April 12, 2018, the Commission issued Respondent a Penalty Order assessing it a \$1,500 penalty as a result of four (4) violations of the Motor Carrier Safety Regulations found during a Compliance Review conducted on March 27, 2018, by Transportation Division Special Investigator Michael McAvoy.
3. After discussions between Respondent and Transportation Staff it was determined that the carrier's failure to maintain a driver qualification file on its CDL driver had been remedied.
4. Staff requests the Commission to issue an Amended Penalty Order, which removes the \$350.00 for failure to maintain a complete driver qualification file on its driver(s),

consisting of the driver's application, motor vehicle record from each state, certificate of driver's road test, a note relating to the annual review of the driver's driving record, a list or certificate of violations, and the medical examiner's certificate is in violation of 49 C.F.R. 391.51(b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an Order amending the Penalty Order issued on April 12, 2018, to adjust the penalty that was previously assessed against the carrier.

Respectfully submitted,



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For Commission Staff

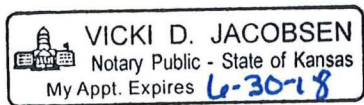
VERIFICATION

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 Motion to Amend Penalty Order, 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 9th day of May, 2018.




Notary Public

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

18-TRAM-427-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was placed in the United States mail, postage prepaid, or hand-delivered this 10th day of May, 2018, to the following:

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