

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

Before Commissioners:                      Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the Matter of the Investigation of Royce                      )  
Varela d/b/a Varela Trucking of Garden                      )  
City, Kansas. Regarding the Violation(s) of                      )  
the Motor Carrier Safety Statutes. Rules and                      )                      Docket No. 24-TRAM-587-PEN  
Regulations and the Commission's                      )  
Authority to Impose Penalties, Sanctions                      )  
and/or the Revocation of Motor Carrier                      )  
Authority.                      )

**ORDER SETTING HEARING ON ORDER SUSPENDING INTRASTATE  
MOTOR CARRIER OPERATIONS**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files, the Commission finds and concludes:

1.        On February 29, 2024, the Commission issued an Order Suspending Intrastate Motor Carrier Operations of Royce Varela d/b/a Varela Trucking of Garden City, Kansas (Varela), after finding several major violations, including: (1) lack of interstate insurance, (2) operating interstate with an intrastate only USDOT number, (3) operating intrastate without Commission for-hire authority, (4) failing to provide maintenance files to investigators, (5) providing fraudulent documents to investigators, (6) failing to provide records of duty status, supporting documents for the loads hauled, or annual inspections for the vehicles operated to investigators, (7) failing to conduct a random test on a driver, using unqualified drivers, and (8)

failing to properly repair and operating commercial motor vehicles that have been placed out-of-service.<sup>1</sup>

2. The Commission found Varela's noncompliance with motor carrier safety rules and regulations poses a potential immediate threat to the safety and welfare of the citizens of Kansas.<sup>2</sup> Since the Commission found Varela's noncompliance is intentional, it immediately suspended all intrastate motor carrier operations of Varela.<sup>3</sup>

3. Pursuant to K.S.A. 77-542, Varela may make a written request for a hearing within fifteen (15) days of service of the Order Suspending Intrastate Motor Carrier Operations.

4. On March 7, 2024, Royce Varela emailed Commission Staff's counsel requesting a hearing.

5. Pursuant to K.S.A. 66-1,129a(a), a hearing shall be held within 10 days of receipt of a written request from a motor carrier suspended prior to a hearing. Accordingly, the Commission sets the hearing on Order Suspending Intrastate Motor Carrier Operations for Thursday, March 14, 2024, beginning at 1:30 p.m. The hearing will be conducted via Zoom. Failure to appear at the hearing, may result in being held in default pursuant to the Kansas Administrative Procedures Act.<sup>4</sup>

**THEREFORE, THE COMMISSION ORDERS:**

A. A hearing on the Order Suspending Varela's Intrastate Motor Carrier Operations is scheduled for Thursday, March 14, 2024, beginning at 1:30 p.m. The hearing will be conducted via Zoom.

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<sup>1</sup> Order Suspending Intrastate Motor Carrier Operations, Feb. 29, 2024, ¶ 7.

<sup>2</sup> *Id.*, ¶ 9.

<sup>3</sup> *Id.*

<sup>4</sup> K.S.A. 77-516(c)(8); K.S.A. 77-520.

B. This Order is procedural and constitutes non-final agency action.<sup>5</sup>

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/12/2024



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Lynn M. Retz  
Executive Director

BGF

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<sup>5</sup> K.S.A. 77-607(b)(2).

## CERTIFICATE OF SERVICE

24-TRAM-587-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 03/12/2024.

BRIAN G. FEDOTIN, GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
b.fedotin@kcc.ks.gov

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
a.latif@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
c.masenthin@kcc.ks.gov

ROYCE VARELA, OWNER  
ROYCE VARELA  
D/B/A VARELA TRUCKING  
804 4TH STREET  
GARDEN CITY, KS 67846  
rvtrucking\_13@icloud.com

/S/ KCC Docket Room  
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KCC Docket Room