

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the Matter of the Investigation of **Hunter**)
Trucking, LLC of Larned, KS, Regarding the)
Violation of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 20-TRAM-457-PEN
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

ORDER AMENDING PENALTY ASSESSMENT

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:

BACKGROUND

1. On May 14, 2020, this Commission issued a Penalty Order to Hunter Trucking, LLC (hereinafter Hunter Trucking), assessing it a civil penalty of \$1,000. The penalty was for two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations.

2. On June 9, 2020, an Amended Penalty Order was issued by the Commission amending the fact that this was the first time Hunter Trucking, LLC had been investigated, making it eligible as a "New Entrant" carrier and eligible for a 50 percent reduction in the original penalty assessed.

3. On June 24, 2020, Staff filed a Motion for Order Amending Penalty Assessment, recommending the Commission assess Hunter Trucking a reduced penalty of \$500, and set out specific terms and obligations.

4. Staff states that on June 24, 2020, Hunter Trucking timely submitted the signed Reduced Penalty Agreement. A copy of the Reduced Penalty Agreement is attached hereto. The carrier further submitted a Corrective Action Plan (CAP), which has been approved by Transportation Staff.

FINDINGS OF FACT

5. The Penalty Order issued on May 14, 2020, assessed Hunter Trucking a civil penalty of \$1,000 for two (2) violation(s) of the motor carrier safety statutes, rules and regulations.

6. Staff recommended in its Motion that due to Hunter Trucking's agreement to comply with the terms and obligations for a reduced penalty and approval of its CAP, an Order Amending Penalty Assessment is recommended to be issued by the Commission assessing Hunter Trucking a reduced penalty of \$500, and setting out the terms and obligations as stated in its motion.

7. K.S.A. 66-1,142c authorizes the Commission to determine the amount of civil penalty and states in pertinent part:

“Any civil penalty may be compromised by the state corporation commission. In determining the amount of the penalty or the amount agreed in compromise, the appropriateness of the penalty to the size of the business, the gravity of the violation and the good faith of the person charged in attempting to achieve compliance, shall be considered.”

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The civil penalty of \$1,000 assessed to Hunter Trucking, LLC in the Penalty Order dated May 14, 2020, is hereby amended to \$500.

B. Payment of \$500 is due within thirty (30) days from the date of service of this Order Amending Penalty Assessment. Payment must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

C. Hunter Trucking is ordered to, send an individual responsible for safety compliance to a Commission-sponsored safety seminar, and submit proof of attendance to Litigation Counsel. Due to Governor mandated social distancing and prohibitions on gathering of 50 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted.


D. Hunter Trucking must submit to a follow-up compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact Hunter Trucking to schedule the review.

E. If Hunter Trucking fails to pay the reduced fine of \$500 and/or fails to comply with the terms and conditions ordered above, the Commission may order Hunter Trucking additional sanctions, including enforcement of an out-of-service order, revoking its authority or any further sanctions as the Commission deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 06/30/2020



Lynn M. Retz
Executive Director

AAL

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Susan K. Duffy, Chair
Shari Feist Albrecht, Commissioner
Dwight D. Keen, Commissioner

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

20-TRAM-457-PEN

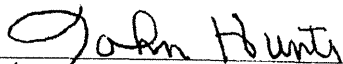
Hunter Trucking, LLC (Hunter Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated May 14, 2020. Hunter Trucking has agreed to comply with the following terms and obligations:

1. Hunter Trucking has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Hunter Trucking will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. A representative of the carrier will attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with proof of attendance. Safety seminars are not currently being offered due to the COVID-19 pandemic. The carrier is required to attend a safety seminar within 90 days of the seminars being offered again.
4. Hunter Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Hunter Trucking, LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$500, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Hunter Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 24th day of June, 2020.

Hunter Trucking, LLC



John Hunter
Managing Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and a.latif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

20-TRAM-457-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/hand delivered on 07/01/2020.

JOHN HUNTER, MANAGING MEMBER
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/S/ DeeAnn Shupe
DeeAnn Shupe