

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

Before Commissioners:                    Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the Matter of the Investigation of Aaron’s    )  
Lawn & Landscaping, LLC of Kansas City,    )  
Missouri, Pursuant to the Kansas Highway    )  
Patrol Issuance of a Notice of Violation for    )    Docket No. 19-GIMM-100-KHP  
Violation(s) of the Kansas Motor Carrier    )  
Safety Statutes, Rules and Regulations and    )  
the Commission’s Authority to Impose    )  
Penalties, Sanctions and/or the Revocation    )  
of Motor Carrier Authority.                    )

**ORDER DESIGNATING PREHEARING OFFICER  
AND SETTING PREHEARING CONFERENCE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds the following:

1.        On July 5, 2018, the Commission issued a Notice of Violation to Aaron’s Lawn Care & Landscaping, LLC (Aaron’s) stemming from a vehicle inspection on July 2, 2018.<sup>1</sup> The Notice of Violation informed Aaron’s it could submit a challenge to the Kansas Highway Patrol (KHP), and depending on the outcome of the KHP challenge, it had the “the right to an administrative hearing with the Kansas Corporation Commission.”<sup>2</sup>
2.        On July 25, 2018, Aaron’s challenged the Notice of Violations with the KHP.<sup>3</sup>
3.        On August 6, 2018, the KHP denied Aaron’s challenge.<sup>4</sup>
4.        On September 4, 2018, Aaron’s requested a hearing.<sup>5</sup>

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<sup>1</sup> Notice of Violation and Invoice, p. 1 (July 5, 2018) - filed in the docket on Sept. 10, 2018.

<sup>2</sup> *Id.* at ¶ 3.

<sup>3</sup> Challenge Letter to KHP (July 25, 2018) – filed in the docket on Sep. 28, 2018.

<sup>4</sup> KHP Denial Letter (Aug. 6, 2018) – filed in the docket on Sept. 28, 2018.

<sup>5</sup> Request for Hearing (Sept. 4, 2018) – filed in the docket on Sept. 10, 2018.

5. On December 18, 2018, Commission Transportation Staff (Staff) filed a Motion to Set Prehearing Conference to determine “if Respondent still wishes to pursue a hearing disputing the alleged violations.”<sup>6</sup>

6. Based on the above, the Commission finds a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.

7. Although a Prehearing Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission’s Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity. **The Commission directs all filings in the docket to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer’s attention.**

B. A Prehearing Conference is scheduled for **Thursday, February 14, 2019 at 8:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

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<sup>6</sup> Staff’s Motion to Set Prehearing Conference ¶ 6 (December 18, 2018).

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.<sup>7</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>8</sup>


F. The attorney designated to appear on behalf of the agency in this proceeding is Ahsan Latif, Litigation Counsel, telephone number (785) 271-3118, [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 01/15/2019

  
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Lynn M. Retz  
Secretary to the Commission

MJD/sb

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<sup>7</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>8</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**CERTIFICATE OF SERVICE**

19-GIMM-100-KHP

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 and electronic service on 01/15/2019.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe