

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

In the Matter of the Investigation of **Anthony** )  
**Marley Miller, d/b/a Miller's Automotive of** )  
**Concordia, Kansas,** Regarding the Violation )  
of the Motor Carrier Safety Statutes, Rules and ) Docket No. 19-TRAM-071-PEN  
Regulations and the Commission's Authority )  
to Impose Penalties, Sanctions and/or the )  
Revocation of Motor Carrier Authority. )

**MOTION FOR ORDER AMENDING PENALTY ASSESSMENT**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, Ahsan A. Latif, files this Motion requesting the Commission issue an Order Amending Penalty Assessment reducing the penalty assessed to Anthony Marley Miller, d/b/a Miller's Automotive (Miller's Automotive), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated August 23, 2018. In support of its Motion, Staff states as follows:

1. On August 23, 2018, a Penalty Order was issued to Miller's Automotive assessing it a penalty of \$550 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. The violations were found during a Safety Compliance Review conducted on July 5, 2018, by Special Investigator Gregory Askren.

1. The Notice of Penalty Assessment advised Miller's Automotive it was a New Entrant carrier and may be eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

2. On August 27, 2018, Miller's Automotive submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Miller's Automotive a 50% reduced penalty of \$275 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated August 23, 2018, Miller's Automotive shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order, Miller's Automotive must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within thirty (30) days from the date of service of the Order Amending Penalty Assessment, Miller's Automotive must make the payment of \$275 through the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

**WHEREFORE,** for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing Anthony Marley Miller, d/b/a Miller's Automotive a reduced penalty of \$275 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ahsan A. Latif', is written over a horizontal line.

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](mailto:a.latif@kcc.ks.gov)

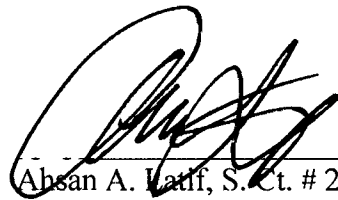
Attorney for Commission Staff

**VERIFICATION**

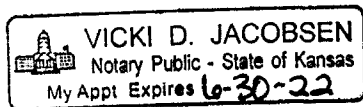
**19-TRAM-071-PEN**

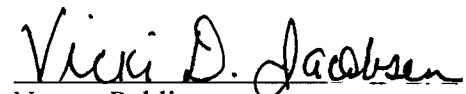
STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

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 for Order Amending Penalty Assessment*, 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

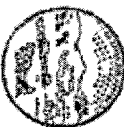
SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of August, 2018.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: June 30, 2022

STATE OF KANSAS



COMING BY U.S. MAIL  
KSP 508, Avenue G, Suite  
100, N. Wichita 67207

Phone 784-371-3200  
Fax 784-371-4154  
http://ks.gov

GOVERNOR JEFF COATNIK, M.D.  
State Postmaster, Chief of Post Office, Commissioner | Deputy D. KERR COOPERMAN

**REDUCED PENALTY AGREEMENT**

**19-TRAM-071-PEN**

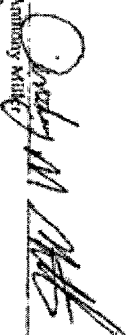
Anthony Marley Miller, d/b/a Miller's Automotive (Miller's Automotive) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated August 23, 2018. Miller's Automotive has agreed to comply with the following terms and obligations:

1. Miller's Automotive has submitted, within fifteen (15) days from the date of the Penalty Order this signed and third Reduced Penalty Agreement to Litigation Counsel.
  2. Miller's Automotive 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. Miller's Automotive will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
  4. Miller's Automotive 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.
- Anthony Marley Miller, d/b/a Miller's Automotive understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$275, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Miller's Automotive will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 27 day of Aug, 2018

Automotive

Anthony Marley Miller, d/b/a Miller's

Owner  
  
Anthony Miller

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or scan via e-mail to j.law@ks.gov and submit@ks.gov.)

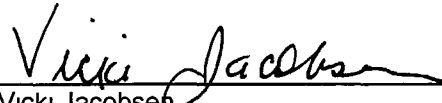
**CERTIFICATE OF SERVICE**

19-TRAM-071-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Order was served via electronic service this 28th day of August, 2018, to the following:

ANTHONY MARLEY MILLER, OWNER  
ANTHONY MARLEY MILLER  
D/B/A MILLER'S AUTOMOTIVE  
307 E 18TH STREET  
CONCORDIA, KS 66901-4921  
millerauto04@nckcn.com

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

  
\_\_\_\_\_  
Vicki Jacobsen