

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

In the Matter of the Investigation of)
White's Construction Co., LLC, of)
Kanopolis, Kansas, Regarding the)
Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 17-TRAM-512-PEN
Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation)
of Motor Carrier Authority.)

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER AUTHORITY

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend White's Construction Co., LLC of Kanopolis, Kansas (Respondent) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 564395.
3. On June 6, 2017, the Commission issued Respondent a penalty assessment for two (2) violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on April 20, 2017, by Kansas Corporation Commission Special Investigator Verna Jackson. The Respondent paid the penalty amount of \$1,000 on July 6, 2017.

4. In the Penalty Order at ordering clause B., it is stated, "Further White's Construction Co., LLC must submit to one follow-up safety compliance review within the next 18 months."

5. Special Investigator Verna Jackson has made numerous attempts to contact Respondent to facilitate a follow-up off-site safety compliance review on its operations as a motor carrier. Her attempts of phone calls, e-mails and letters have failed.

6. Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter on November 27, 2018, informing Respondent that should it continue to resist by failing to respond, the Commission may suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Respondent. The letter gave Respondent ten (10) days from the date of the letter to respond. A copy of the letter is attached hereto as Attachment "A" and is hereby incorporated by reference.

7. As of December 7, 2018, Special Investigator Verna Jackson and Litigation Counsel Ahsan Latif have not heard from Respondent to schedule a follow-up motor carrier safety compliance review.

8. Staff asks that the Commission find Respondent received sufficient notices of the need to schedule a follow-up safety compliance review.

9. Staff asks that the Commission find Respondent failed to respond to several attempts to contact.

10. Staff asks the Commission find that Respondent's resistance to respond to the Special Investigator's attempts to contact and Litigation Counsel Ahsan Latif's letter poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

11. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier authority operations until such time as Respondent contacts Special Investigator Verna Jackson or Litigation Counsel Ahsan Latif to schedule a follow-up safety compliance review, at which time Staff will recommend the Commission issue an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's intrastate motor carrier operations.

Respectfully submitted,



Ahsan A. Latif, #24709
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3181 (Telephone)
(785) 271-3124 (Facsimile)
a.latif@kcc.ks.gov (E-mail)

For Commission Staff

ATTACHMENT “A”

STATE OF KANSAS



CORPORATION COMMISSION
TRANSPORTATION DIVISION
1500 SW ARROWHEAD ROAD
LOPEKA, KS 66604-4027

PHONE: 785-271-3145
FAX: 785-271-3124
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

November 27, 2018

Gary Falk, President
White's Construction Co LLC
PO Box 8
Kanopolis, KS 67454-0038

Re: Compliance Investigation

Dear Mr. Falk:

The Kansas Corporation Commission is given full power, authority and jurisdiction to supervise and control motor carriers - as defined in the Kansas statutes - doing business or procuring business in Kansas, and may do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

From time to time, the commission is required to carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Further, the Commission has the authority to investigate an entity under the Commission's jurisdiction and order a hearing when the Commission believes the entity is in violation of the law or any order of the Commission.

Deliberate avoidance of a Commission-sponsored safety compliance review is a violation of the above-stated law and authority. White's Construction Co LLC is a motor carrier that is subject to the Commission's jurisdiction, and therefore, is required by law to submit to Commission compliance reviews.

Commission Special Investigator (SI) Verna Jackson, has made numerous attempts to facilitate a compliance review with you, to no avail. An initial letter was mailed September 6, 2018. After no response, a second request letter was mailed and emailed on October 23, 2018. There continues to be no response. This letter therefore serves to notify you that should you continue to resist by failing to contact SI Jackson **within ten days of the date of this letter** the Commission may suspend your motor carrier operations, revoke or amend certificates, and/ or initiate sanctions or fines against you.

Thank you for your cooperation. If you have any further questions, you may contact SI Verna Jackson with the Transportation Division of the Kansas Corporation Commission at 785-271-3104.

Sincerely,

A handwritten signature in black ink, appearing to read "Ahsan A. Latif".

Ahsan A. Latif
Litigation Counsel

VERIFICATION

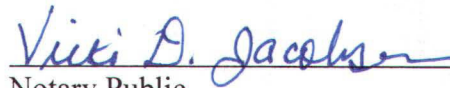
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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 Suspend Intrastate Motor Carrier Authority* 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 7th day of December, 2018.



Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

17-TRAM-512-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was served via electronic service this 7th day of December, 2018, to the following:

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

GARY FALK, MANAGER
WHITE'S CONSTRUCTION CO., LLC
404 S MISSOURI ST
KANOPOLIS, KS 67454
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Vicki Jacobsen