

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

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

In the Matter of the Investigation of A &)
A Truck Rental 3 Men With a Truck)
& Trailer, LLC, d/b/a A & A Moving)
Hauling Services 3 Men With a Truck,)
d/b/a 3 Men With a Truck of Topeka,)
Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and)
Regulations and the Commission's)
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

Docket No. 19-TRAM-322-OOS

ORDER SUSPENDING INTRASTATE MOTOR CARRIER OPERATIONS

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.S.A. 2018 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2018 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. Pursuant to K.S.A. 2018 Supp. 66-1,129a, 66-1,130, and 66-1,142b, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions

or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 2018 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. FINDINGS OF FACTS

4. A & A Truck Rental 3 Men With a Truck & Trailer, LLC, d/b/a A & A Moving Hauling Services 3 Men With a Truck, d/b/a 3 Men With a Truck of Topeka, Kansas (Respondent) is a motor carrier as defined in K.S.A. 2018 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.

5. Respondent operates under USDOT Number 1439297.

6. Special Investigator Jared Smith has made numerous attempts to contact Respondent to facilitate a safety compliance review on its operations as a motor carrier. Mr. Smith had a safety compliance review schedule in December 2018, which was rescheduled at Respondent's request, to January 10, 2019, at 9:00 a.m. Respondent failed to appear on January 10, 2019, at 9:00 a.m.

7. Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter on January 29, 2019, informing Respondent that the safety compliance review for its motor carrier operations is scheduled at the Kansas Corporation Commission office with Special Investigator Jared Smith on February 11, 2019, at 9:00 a.m. Mr. Latif's letter advised should the Respondent not appear or fail to speak with Mr. Smith to reschedule, the

Commission will suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Respondent. Respondent did not appear.

8. As of February 14, 2019, Special Investigator Jared Smith and Litigation Counsel Ahsan Latif have not heard from Respondent to schedule a follow-up motor carrier safety compliance review.

9. On February 14, 2019, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to respond.

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Respondent as the Respondent is a motor carrier as defined in K.S.A. 2018 Supp. 66-1,108.

11. The Commission finds Respondent received sufficient notices of the need to schedule a safety compliance review of its motor carrier operations. The Commission finds Respondent intentionally failed to act upon these notices.

12. The Commission finds Respondent's failure to respond to Staff's attempts to contact is intentional and therefore this Commission orders the Respondent to suspend all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2018 Supp. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. A & A Truck Rental 3 Men With a Truck & Trailer, LLC, d/b/a A & A Moving Hauling Services 3 Men With a Truck, d/b/a 3 Men With a Truck of Topeka, Kansas is to be immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's

regulation under K.S.A. 2018 Supp. 66-1,129, until such time as Respondent contacts Special Investigator Jared Smith or Litigation Counsel Ahsan Latif to schedule a safety compliance review. This Suspension of Intrastate Motor Carrier Operations Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. **Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** Failure to timely request a hearing will result in a waiver of Respondent's right to a hearing, and this Order will become a Final Order against Respondent, suspending Respondent's motor carrier operations, ordering Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance.

C. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

D. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 02/19/2019



Lynn M. Retz
Secretary to the Commission

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CERTIFICATE OF SERVICE

19-TRAM-322-OOS

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/hand delivered on 02/20/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe