

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Investigation of)
Jadwin Construction & Development,)
LLC of Hiawatha, Kansas, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 20-TRAM-075-OOS
Commission's Authority to Impose)
Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

ORDER REINSTATING 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.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. Jadwin Construction & Development, LLC of Hiawatha, Kansas (Respondent) is a motor carrier as defined in K.A.R. 82-4-1, that operates commercial motor vehicle(s) in intrastate commerce.

5. Respondent operates under USDOT Number 2791648.

6. On August 16, 2019, Transportation Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to Respondent's non-compliance with ordering clause B of the Penalty Order issued to it on April 17, 2018. Ordering clause B requires the carrier to submit to one follow-up safety compliance review within the next 18 months.

7. On August 22, 2019, the Commission issued an Order Suspending Intrastate Motor Carrier Operations on Respondent based on Staff's motion.

8. Transportation Staff has advised that Respondent has made contact and has provided the necessary documentation for a safety compliance review.

9. Staff recommends Respondent's motor carrier operations be reinstated.

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Respondent as the Respondent is a motor carrier as defined in K.A.R. 82-4-1.

11. The Commission concludes that Respondent has complied with conducting a safety compliance review and, therefore, its intrastate motor carrier operations should be reinstated.

THE COMMISSION THEREFORE ORDERS THAT:

A. Jadwin Construction & Development, LLC's intrastate motor carrier operations is hereby reinstated.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹

C. 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; Duffy, Commissioner

Dated: 09/10/2019



Lynn M. Retz
Executive Director

AAL

¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

20-TRAM-075-OOS

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 09/11/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe