

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

In the Matter of the Investigation of )  
**Wichita Tree LLC of Wichita, Kansas,** )  
Regarding the Violation of the Motor ) Docket No. 19-TRAM-254-PEN  
Carrier Safety Statutes, Rules and )  
Regulations and the Commission's )  
Authority to Impose Penalties, Sanctions )  
and/or the Revocation of Motor Carrier )  
Authority.

**MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS**

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 Wichita Tree LLC of Wichita, 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.A.R. 82-4-1, 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 3134849.
3. On January 10, 2019, the Commission issued Respondent a Penalty Order that assessed a civil penalty of \$400 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Gary Goeller on December 11, 2018.
4. The Respondent was attempted to be served with the Penalty Order via certified mail, return receipt requested, on January 10, 2019. The parcel was returned as "unclaimed." The Penalty Order was mailed to the Respondent via regular U.S. mail on February 12, 2019, with a

a service date calculated as February 15, 2019. The Respondent had 30 days from the date served to pay the civil penalty of \$400.

5. Respondent was sent a collection letter on April 3, 2019, reminding it of the amount due and giving it 10 days from the date of the collection letter to pay. A copy of the collection letter is attached hereto.

6. As of April 12, 2019, Commission records indicate that Respondent has not complied with the collection letter or the requirements of the Penalty Order.

7. Staff asks the Commission find Respondent failed to comply with the Commission's Penalty Order dated January 10, 2019, or the collection letter dated April 3, 2019.

8. Staff asks the Commission find that Respondent's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.


9. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent pays the penalty of \$400, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

10. Furthermore, Staff requests the Commission order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order of Suspension, and for it to provide Litigation Counsel with written proof of attendance.

**WHEREFORE**, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's intrastate motor carrier operations, and order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days from the

date of the Order of Suspension, and for it to provide Litigation Counsel with written proof of attendance.

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

For Commission Staff

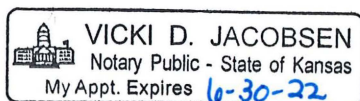
## 19-TRAM-254-PEN

STATE OF KANSAS )  
 ) ss.  
COUNTY OF SHAWNEE )

*[Handwritten signature]*

Ahsan A. Latif, S. Ct. # 24709  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of April, 2019.



Vicki D. Jacobsen  
Notary Public

My Appointment Expires: June 30, 2022

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



**COPY**

Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Laura Kelly, Governor

April 3, 2019

Robert Phillips  
Wichita Tree LLC  
2346 E 45th St N  
Wichita, Kansas 67219

Re: Docket No. 19-TRAM-254-PEN

In the Matter of the Investigation of **Wichita Tree LLC of Wichita, Kansas**, Regarding the Violation(s) 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

Dear Mr. Phillips:

On January 10, 2019, a Penalty Order was issued against Wichita Tree LLC for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$400. The Penalty Order was returned to this office as "unclaimed" and resent to you via regular U.S. mail on February 12, 2019. That piece of mail has not been returned to us.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission of compliance with the terms and conditions of the above-referenced Penalty Order. In order to avoid sending this matter to a collection agency and/or submission to the Kansas state setoff program for the garnishment of any tax refund that might be due you, please remit payment of \$400, through your personal account in the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed. **Payment must be made within the next 10 days.**

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call me at 785-271-3118.

Respectfully

Ahsan Latif  
Litigation Counsel  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

## CERTIFICATE OF SERVICE

19-TRAM-254-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 12th day of April, 2019, 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

ROBERT PHILLIPS, MANAGING MEMBER  
WICHITA TREE LLC  
2346 E 45TH ST  
WICHITA, KS 67219-3142  
robert@wichita-treeservice.com

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