

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

In the Matter of the Investigation of **Goins**)
Concrete and Construction LLC of)
Neodesha, Kansas, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-372-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 Goins Concrete and Construction LLC (Goins Concrete), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated March 26, 2019. In support of its Motion, Staff states as follows:

1. On March 26, 2019, a Penalty Order was issued to Goins Concrete assessing it a penalty of \$600 for three (3) 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 February 27, 2019, by Special Investigator Michael Heenan.

2. The Notice of Penalty Assessment advised Goins Concrete 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.

3. On April 4, 2019, Goins Concrete submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by

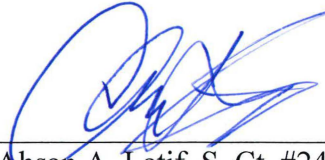
Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

4. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Goins Concrete a 50% reduced penalty of \$300 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated March 26, 2019, Goins Concrete 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, Goins Concrete 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, Goins Concrete must make the payment of \$300 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 Goins Concrete and Construction LLC a reduced penalty of \$300 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,



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

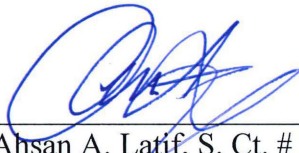
Attorney for Commission Staff

VERIFICATION

19-TRAM-372-PEN

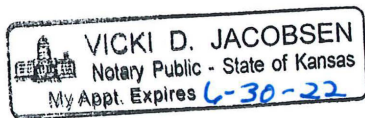
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)


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 26th day of April, 2019.





Notary Public

My Appointment Expires: June 30, 2022

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Dwight D. Keen, Chair
Shari Frost Albrecht, Commissioner
Jay Scott Emken, Commissioner



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

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

19-TRAM-372-PEN

Goins Concrete and Construction LLC (Goins Concrete) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated March 21, 2019. Goins Concrete has agreed to comply with the following terms and obligations:

1. Goins Concrete has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Goins Concrete 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. Goins Concrete 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. Goins Concrete 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.

Goins Concrete and Construction LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$300, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Goins Concrete will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 4 day of April, 2019.

Goins Concrete and Construction LLC


Darin D. Goins
Managing Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and ulatif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

19-TRAM-372-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Assessment was placed in the United States mail, postage prepaid, or hand-delivered this 26th day of April, 2019, to the following:

DARRIN D. GOINS, MANAGING MEMBER
GOINS CONCRETE AND CONSTRUCTION LLC
4507 B CR 6400
NEODESHA, KS 66757
goinscc@yahoo.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