

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

In the Matter of the Investigation of **Jadwin**)
Construction & Development, LLC, of)
Hiawatha, Kansas, for Failure to Comply) Docket No. 20-TRAM-075-OOS
with the Motor Carrier Safety Statutes,)
Rules and Regulations.)

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 Jadwin Construction & Development, LLC of Hiawatha, 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 2791648. It further has Commission private (PRI-D) authority which was granted on December 17, 2015.
3. On April 17, 2018, 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 January 18, 2018, by Kansas Corporation Commission Special Investigator B.T. Scott. The Respondent paid the penalty amount of \$500 on May 10, 2018.
4. In the Penalty Order at ordering clause B., it is stated, "Further Jadwin Construction & Development, 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.

6. Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter on July 29, 2019, 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 August 16, 2019, 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 Special Investigator Verna Jackson'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
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a.latif@kcc.ks.gov (E-mail)

For Commission Staff

1500 SW Arrowhead Road
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Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

July 29, 2019

Cory Jadwin, General Manager
Jadwin Construction & Development LLC
PO Box 416
Hiawatha, KS 66434

Re: Compliance Investigation

Dear Mr. Jadwin:

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.

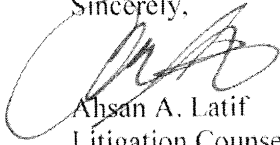
From time to time, the commission is required to carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Further, the Commission has the authority to investigate an entity under 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. Jadwin Construction & Development 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 May 13, 2019. On June 6, 2019, you requested an extension until June 14, 2019 and SI Jackson granted the extension. On June 27, 2019 you advised you were having difficulty getting the passwords and accounts set up and would be forwarding everything ASAP. To date no documentation has been received. This letter therefore serves to notify you that should you continue to resist by failing to submit the requested documents to 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 be 'Ahsan A. Latif', written over the printed name.

Ahsan A. Latif
Litigation Counsel

VERIFICATION

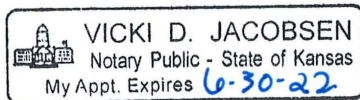
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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 Operations* 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 16th day of August, 2019.



Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

20-TRAM-075-OOS

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 16th day of August, 2019, to the following:

DEBORAH JADWIN, MEMBER
JADWIN CONSTRUCTION & DEVELOPMENT LLC
PO BOX 416
HIAWATHA, KS 66434
shelby@jcd-llc.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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Vicki Jacobsen