

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

In the Matter of the Investigation of **Elegant**)
Home Design, L.L.C., d/b/a Bedrock)
International of Lenexa, Kansas, Regarding)
the Violation of the Motor Carrier Safety) Docket No. 17-TRAM-437-PEN
Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

MOTION TO AMEND PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Amended Penalty Order reducing the penalty assessed to Elegant Home Design, L.L.C., d/b/a Bedrock International (Elegant Home Design), by fifty-percent (50%) less than the penalty assessed in the Penalty Order dated April 4, 2017. In support of this Motion, Staff states as follows:

1. On April 4, 2017, a Penalty Order was issued to Elegant Home Design assessing it a penalty of \$1,750 for four (4) 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 by Special Investigator(s) Wade Patterson and Jared Smith, on March 17, 2017.

1. The Notice of Penalty Assessment attached to the Penalty Order advised Elegant Home Design it was a New Entrant carrier and was 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.

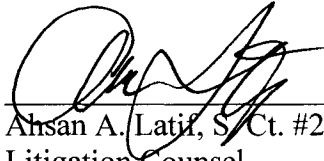
2. On April 19, 2017, Elegant Home Design submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Amended Penalty Order assessing Elegant Home Design a reduced penalty of \$875 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated April 4, 2017
Elegant Home Design shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the Transportation Division;
- b. within eighteen (18) months of the Penalty Order dated April 4, 2017, Elegant Home Design must submit to a follow-up Safety Compliance Review.
Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Amended Penalty Order
Elegant Home Design must submit payment of \$875.

WHEREFORE, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing Elegant Home Design, L.L.C., d/b/a Bedrock International a reduced penalty of \$875, which is fifty-percent (50%) less than penalty(s) assessed pursuant to the FY 2017 Uniform Penalty Assessment Matrix, and ordering it to comply with the proposed terms and obligations set out in paragraph 3 above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ansan A. Latif', is written over a horizontal line.

Ansan A. Latif, S.Ct. #24709

Litigation Counsel

Kansas Corporation Commission

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Attorney for Commission Staff

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Topeka, KS 66604-4027



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

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emier, Commissioner

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

Docket No. 17-TRAM-437-PEN

Elegant Home Design, L.L.C., d/b/a Bedrock International hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 4, 2017. Elegant Home Design has agreed to comply with the following terms and obligations:

1. Elegant Home Design has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 4, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Elegant Home Design will, within 30 days from the date of the Penalty Order dated April 4, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

3. Elegant Home Design will, within thirty (30) days from the date of the Penalty Order dated April 4, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

Elegant Home Design, L.L.C., d/b/a Bedrock International understands that Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess Elegant Home Design a fifty-percent (50%) reduced penalty of \$875, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Elegant Home Design will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this: 13th day of April, 2017.

Elegant Home Design, L.L.C., d/b/a Bedrock
International

Kansas Corporation Commission

APR 19 2017

Office of Litigation Counsel

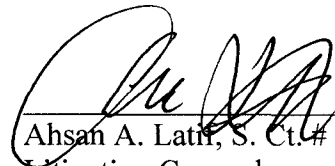

Wanessa Dougherty
Chief Operating Officer

VERIFICATION

17-TRAM-437-PEN

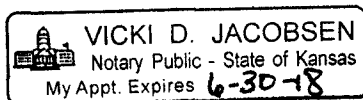
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

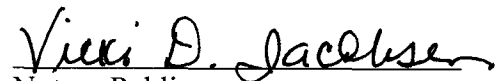
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Amend Penalty Order*, and attests that the statements therein are 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 25th day of April, 2017.





Notary Public

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

17-TRAM-437-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was served via electronic service this 25th day of April, 2017, to the following:

WANESSA DOUGHERTY, CHIEF OPERATING OFFICER
ELEGANT HOME DESIGN, L.L.C.
D/B/A BEDROCK INTERNATIONAL
9929 LACKMAN ROAD
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wanessa@bedrockintl.com

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Vicki Jacobsen