

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Investigation of **Total**)
Home of Kansas Inc d/b/a Total Home of)
Lenexa, Kansas, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and)
Regulations and the Commission's) Docket No. 24-TRAM-392-PEN
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

ORDER SUSPENDING 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.S.A. 66-1,111, 66-1,11g, 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. 82-4-3f, 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. Pursuant to K.S.A. 66-1,142b the Commission is granted the authority to prescribe reasonable rules and regulations for the assessment of administrative civil penalties and sanctions for violations of any statute, commission orders or rules and regulations adopted by the commission.

2. Pursuant to K.S.A. 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. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. FINDINGS OF FACTS

4. On November 15, 2023, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to pay.

5. Staff advised that Total Home of Kansas Inc d/b/a Total Home of Lenexa, Kansas (Carrier) is a motor carrier as defined in K.A.R. 82-4-3f, which operates commercial motor vehicle(s) in intrastate commerce and operates under USDOT Number 2629821.

6. Special Investigator Verna Jackson made attempts to contact Carrier to facilitate a safety compliance investigation on its operations as a motor carrier.

7. Ahsan Latif, Litigation Counsel, sent Carrier a letter on July 21, 2023, informing Carrier 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 Carrier. The letter gave Carrier ten (10) days from the date of the letter to respond.

8. As of November 14, 2023, Special Investigator Verna Jackson and Litigation Counsel Ahsan Latif had not heard from Carrier to comply with a motor carrier safety compliance investigation.

9. Staff recommended the Commission place Total Home of Kansas Inc d/b/a Total Home out-of-service due to its failure to comply with a motor carrier safety compliance investigation.

III. CONCLUSIONS OF LAW

11. The Commission finds it has jurisdiction over Carrier as it is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

12. The Commission finds Carrier received sufficient notices of the need to schedule a follow-up safety compliance investigation of its motor carrier operations. The Commission finds Carrier intentionally failed to act upon these notices.

13. The Commission finds Carrier's failure to respond to Staff's attempts to contact is intentional and therefore this Commission orders the Carrier to suspend all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. Total Home of Kansas Inc d/b/a Total Home of Lenexa, Kansas is immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as Carrier contacts Special Investigator Verna Jackson to facilitate a safety compliance investigation. This Suspension of Intrastate Motor Carrier

Operations Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. **Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Executive Director, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Order will become a Final Order.

C. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

D. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Keuther, Commissioner

Dated: 11/28/2023



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

24-TRAM-392-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 11/28/2023.

Anita Blair, DIRECTOR OF OPERATIONS
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/S/ KCC Docket Room
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