

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

In the Matter of the Investigation of **Strong**)
Masonry Constructors, LLC of Frontenac,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 19-TRAM-104-PEN
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 Strong Masonry Constructors, LLC (Strong Masonry Constructors), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated September 25, 2018. In support of its Motion, Staff states as follows:

1. On September 25, 2018, a Penalty Order was issued to Strong Masonry Constructors assessing it a penalty of \$1,000 for one (1) 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 July 11, 2018, by Special Investigator Michael Heenan.

1. The Notice of Penalty Assessment advised Strong Masonry Constructors 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.

2. On October 22, 2018, Strong Masonry Constructors 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 Order Amending Penalty Assessment assessing Strong Masonry Constructors a 50% reduced penalty of \$500 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated September 25, 2018, Strong Masonry Constructors 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, Strong Masonry Constructors 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, Strong Masonry Constructors must make the payment of \$500 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 Strong Masonry Constructors, LLC a reduced penalty of \$500 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

VERIFICATION

19-TRAM-104-PEN

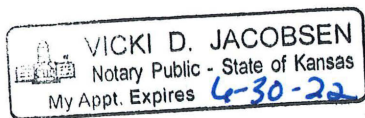
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)


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 25th day of October, 2018.





Notary Public

My Appointment Expires: June 30, 2022

STATE OF KANSAS



CORPORATION COMMISSION
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GOVERNOR JEFF COLYER, M.D.
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

REDUCED PENALTY AGREEMENT

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Strong Masonry Constructors, LLC (Strong Masonry Constructors) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated September 25, 2018. Strong Masonry Constructors has agreed to comply with the following terms and obligations:

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

Strong Masonry Constructors, LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$500, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Strong Masonry Constructors will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 22nd day of October, 2018.

Strong Masonry Constructors, LLC



Douglas D. Strong
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 alatif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

19-TRAM-104-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Assessment was served via electronic service this 25th day of October, 2018, to the following:

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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DOUGLAS D. STRONG, MEMBER
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Vicki Jacobsen