

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of **Construction**)
Solutions, L.L.C., of Paola, Kansas, Regarding the)
Violation of the Motor Carrier Safety Statutes, Rules)
and Regulations and the Commission's Authority to) Docket No. 15-TRAM-484-PEN
Impose Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority)

**ORDER TO DISMISS REQUEST FOR HEARING AND WAIVE PORTION
OF A CIVIL PENALTY**

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 fully advised on the premises, the Commission finds and concludes as follows:

1. On May 5, 2015, the Commission issued a Penalty Order in this docket assessing a \$2,050 civil penalty against Respondent for violations found during a March 17, 2015, compliance review.
2. On May 15, 2015, Respondent submitted a request for hearing, which was filed in this docket on May 19, 2015.
3. On June 2, 2015, a Notice of Hearing was filed in this docket, setting an evidentiary hearing for July 22, 2015.
4. On July 1, 2015, Staff completed its review of the records pertaining to this docket and, based on negotiations with Respondent, filed Staff's Motion to Dismiss Request for Hearing and Waive Portion of a Civil Penalty.

5. In the aforementioned Motion, Staff recommended the Commission uphold against Respondent the \$250 civil penalty for failing to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver, in violation of 49 C.F.R. 391.25(a) and (c), as adopted by K.A.R. 82-4-3g; the \$250 civil penalty for failing to confirm that each of its drivers are medically examined and certified, in violation of 49 C.F.R. 391.45(b)(1) and 391.51(b)(7), as adopted by K.A.R. 82-4-3g; and the \$500 civil penalty for failing to conduct periodic (annual) inspections on its commercial motor vehicles, in violation of 49 C.F.R. 396.17(a), as adopted by K.A.R. 82-4-3j. Staff further recommended that Respondent's civil penalty be reduced from \$750 to \$250 for failing to require its drivers to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of its creation, in violation of 49 C.F.R. 395.8(a), as adopted by K.A.R. 82-4-3a. Staff also recommended that Respondent's civil penalty of \$300 be waived for failing to pay appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.30, in violation of K.A.R. 82-4-30a.

6. The Commission has jurisdiction over this proceeding pursuant to K.S.A. 2014 Supp. 66-1,129 and K.A.R. 82-4-3, *et seq.*

7. The Commission finds that Staff's requests are reasonable and hereby dismisses Respondent's request for hearing, waives \$800 of Respondent's original \$2,050 civil penalty assessed in this docket, upholds against Respondent the remaining \$1,250 of the civil assessment in this docket, all with prejudice, and closes this docket.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) Staff's Motion to Dismiss Request for Hearing and Waive Portion of a Civil Penalty, with prejudice, and to close the above-referenced docket, is hereby granted.

(B) \$800 of the original \$2,050 civil penalty assessed against Respondent in this docket is hereby waived, while the remaining \$1,250 of the civil penalty in this docket is upheld against Respondent, with prejudice. Payment shall be due within 30 days of service of this order.

(C) Respondent shall comply with all other actions ordered in the above-referenced Penalty Order.

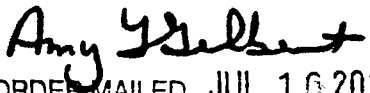
(D) The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

(E) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JUL 09 2015


ORDER MAILED JUL 10 2015
Amy L. Gilbert
Secretary

MJD

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
RICHARD NORLAND, MANAGING MEMBER CONSTRUCTION SOLUTIONS, L.L.C. 24564 LACKMAN RD PAOLA, KS 66071		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED **JUL 10 2015**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.