

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

In the Matter of the Investigation of )  
**Erickson Excavating, of Ozawkie,** )  
**Kansas,** Regarding the Violation of the )  
Motor Carrier Safety Statutes, Rules and )  
Regulations and the Commission's ) Docket No. 19-TRAM-052-OOS  
Authority to Impose Penalties, Sanctions )  
and/or the Revocation of Motor Carrier )  
Authority. )

**MOTION TO SUSPEND INTRASTATE MOTOR CARRIER AUTHORITY**

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 Erickson Excavating of Ozawkie, 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.S.A. 2017 Supp. 66-1,108, 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 2958725.
3. Special Investigator Jared Smith has made numerous attempts to contact Respondent to facilitate a follow-up off-site safety compliance review on its operations as a motor carrier.
4. Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter on July 17, 2018, 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 advised Respondent that Special

Investigator Jared Smith would be at the Respondent's place of business on August 2, 2018, at 9:00 a.m. to conduct the safety compliance review. A copy of the letter is attached hereto as Attachment "B" and is hereby incorporated by reference.

5. Special Investigator Jared Smith advised Litigation Counsel Ahsan Latif that Respondent did not appear at the above scheduled compliance review.

6. Staff asks that the Commission find Respondent received sufficient notices of the need to schedule a follow-up safety compliance review.

7. Staff asks that the Commission find Respondent failed to respond to several attempts to contact.

8. Staff asks the Commission find that Respondent's resistance to respond to Special Investigator Jared Smith'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.

9. 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 Jared Smith 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,



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Ahsan A. Latif, #24709  
Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604  
(785) 271-3181 (Telephone)  
(785) 271-3124 (Facsimile)  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov) (E-mail)

For Commission Staff

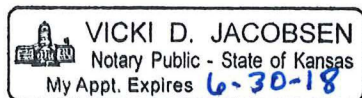
**VERIFICATION**


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 3<sup>rd</sup> day of August, 2018.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: June 30, 2018

# STATE OF KANSAS



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

July 17, 2018

Brianna Erickson  
President  
Erickson Excavating Inc  
9250 East Lakeshore Drive  
Ozawie, KS 66070

Re: Scheduling a Compliance Review

Dear Ms. Erickson:

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.

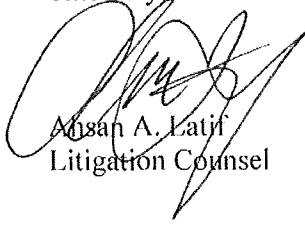
From time to time, the commission is required to carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Further, the Commission has the authority to investigate an entity under 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. Erickson Excavating Inc 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) Jared Smith, has made numerous attempts to facilitate a compliance review with you, to no avail. SI Smith has attempted to contact you several times, including by certified U.S. mail, by phone and in person. SI Smith traveled to 9250 E. Lakeshore Drive on July 16, 2018 at 9 a.m. after notifying you by certified mail he would conduct a compliance review at that time and place. You did not appear at that time for the review, nor did you respond to his correspondence or notify him you would not be available for the review. **SI Smith's next available time for a compliance review of Erickson Excavating Inc is August 2, 2018 at 9 a.m.** This letter therefore serves to notify you that should you fail to appear for that review or fail to respond to SI Smith prior to the review and reschedule to an agreed upon time, *the Commission will 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 Jared Smith with the Transportation Division of the Kansas Corporation Commission at (913) 755-1289.

Sincerely,


A handwritten signature in black ink, appearing to read 'Ansan A. Latif', written over the printed name and title.

Ansan A. Latif  
Litigation Counsel

**VERIFICATION**

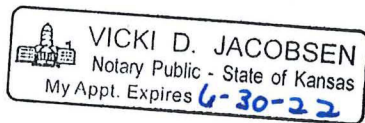
STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SHAWNEE            )


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Ahsan A. Latif, S. Ct. # 24709  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 3<sup>rd</sup> day of August, 2018.



  
Notary Public

My Appointment Expires: June 30, 2022

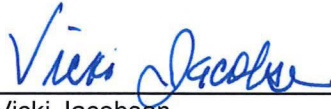
## CERTIFICATE OF SERVICE

19-TRAM-052-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 \_\_\_\_ day of August, 2018, to the following:

BRIANNA ERICKSON, PRESIDENT  
ERICKSON EXCAVATING, INC.  
9250 E LAKESHORE DR  
OZAWKIE, KS 66070  
kv@tscoinline.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
a.latif@kcc.ks.gov



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Vicki Jacobsen