

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

In the Matter of the Investigation of **Aaron's Lawn**)
Care and Landscaping LLC of Kansas City,)
Missouri, Pursuant to the Kansas Highway Patrol) Docket No. 19-GIMM-100-KHP
Issuance of a Notice of Violation(s) and Invoice for)
the Violations of the Kansas Motor Carrier Safety)
Statutes, Rules and Regulations.)

STAFF'S MOTION FOR DEFAULT JUDGMENT

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), by and through its counsel, Ahsan A. Latif, hereby files its Motion for Default Judgment. In Support, Staff states as follows:

1. On July 5, 2018, the Kansas Highway Patrol issued a Notice of Violation(s) against Aaron’s Lawn Care and Landscaping LLC (Respondent), for alleged violations found during a July 2, 2018, routine motor carrier stop and inspection, Driver/Vehicle Inspection Report No. KSHP03500197, conducted by the Kansas Highway Patrol (KHP). Respondent was assessed \$450 in civil fines, comprised of the following violations: a \$300.00 fine for Failure to register to pay UCR Fees, citing 392.2UCR and a \$150.00 fine for Brakes OOS, citing 396.3A1BOS.
2. On July 25, 2018, Respondent initiated a formal challenge with the KHP.
3. On August 6, 2018, the Kansas Highway Patrol denied Respondent’s challenge and advised Respondent of its right to an administrative hearing before the Commission.
4. In a letter dated August 25, 2018, Respondent requested a hearing before the Commission.

5. On December 18, 2018, Staff filed its Motion to Set Prehearing Conference requesting that a prehearing conference be set so the parties could move forward.

6. On January 15, 2019, the Commission issued its Order Designating Prehearing Officer and Setting Prehearing Conference (Prehearing Conference Order), which scheduled a Prehearing Conference to take place on February 14, 2019 at 8:30 a.m. by telephone.

7. In Ordering Clause D of the Prehearing Conference Order, the Commission warned that “any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.”

8. On February 14, 2019 at 8:30 a.m. the Prehearing Officer convened a Prehearing Conference. Staff appeared in person and by counsel. Respondent failed to appear.

9. Pursuant to the Commission’s Prehearing Conference Order and K.S.A. 77-520, Staff respectfully requests the Commission find that Respondent is in Default, that Respondent’s Request for Hearing is dismissed and the violations and civil penalties assessed against Respondent are affirmed, and that this docket be closed.

WHEREFORE, for the reasons more fully described above, Staff respectfully moves the Commission for an Order: (1) finding Respondent in default for failing to appear and participate in the prehearing conference; (2) dismissing the request for hearing filed by Respondent and affirming the violations and civil penalties assessed against Respondent; (3) closing this docket and (4) any such further relief as the Commission deems necessary and proper.

Respectfully submitted,




Ansan A. Latif, S. Ct. #24709
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Attorney for Commission Staff

VERIFICATION

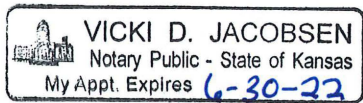
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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 *Staff's Motion for Default Judgment* 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 14th day of February, 2019.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

19-GIMM-100-KHP

I, the undersigned, certify that a true and correct copy of the above and foregoing docket was placed in the United States mail, postage prepaid, or hand-delivered this 15th day of February, 2019, to the following:

AARON DALE DORSEY, MEMBER
AARON'S LAWN CARE & LANDSCAPING, LLC
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Vicki Jacobsen