

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of **Mid-**)
America Road Builders, Inc. of Platte City,)
Missouri, Pursuant to the Kansas Highway) Docket No. 19-GIMM-167-KHP
Patrol Issuance of a Notice of Violation(s))
and Invoice for the Violations of the Kansas)
Motor Carrier Safety Statutes, Rules and)
Regulations.)

ORDER ALLOWING CORPORATE OFFICER AS LEGAL REPRESENTATIVE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed its files and records, and being fully advised in the premises, the Commission makes the following findings and conclusions:

1. On August 29, 2018, the Commission issued a Notice of Violation (Invoice No. H000576294) to Mid-America Road Builders, Inc. (Mid-America),¹ stemming from a Kansas Highway Patrol (KHP) roadside vehicle inspection conducted on August 27, 2018.² The penalty amount was \$150.³

2. On August 31, 2018, the Commission issued another Notice of Violation (Invoice No. H000576335) to Mid-America,⁴ stemming from a separate roadside inspection conducted on August 27, 2018.⁵ The penalty amount was \$150.⁶

¹ Notice of Violation, p. 1 (Aug. 29, 2018) – filed in the docket on October 26, 2018.

² Driver/Vehicle Examination Report No. KSHP92100967 – filed in the docket on October 26, 2018.

³ August 29, 2018 Notice of Violation, p. 2.

⁴ Notice of Violation, p. 1 (Aug. 31, 2018) – filed in the docket on October 26, 2018.

⁵ Driver/Vehicle Examination Report No. KSHP92100966 – filed in the docket on October 26, 2018.

⁶ August 31, 2018, Notice of Violation, p. 2.

3. On October 25, 2018, the Commission received Mid-America’s Request for Hearing, dated October 23, 2019.⁷

4. On March 7, 2019, the Commission issued its *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference for March 26, 2019.⁸ The Prehearing Conference was subsequently continued until April 16, 2019.⁹

5. On March 25, 2019, Mid-America moved the Commission to allow Mid-America’s President, Ken Pratt, to represent Mid-America *pro se* in all current and future matters associated with the instant docket.¹⁰ Mid-America stated that Mr. Pratt is the corporation’s President and Board Director and that the total penalty assessed against Mid-America is \$300.¹¹ Mid-America “pray[ed] this Commission to set aside its requirement as stated in Item E in its Order Designating a Prehearing Officer and Setting a Prehearing Conference, dated March 7, 2019,” which required Mid-America to be represented by a Kansas licensed attorney.¹²

6. Generally, K.A.R. 82-1-228 requires a corporation to appear by legal counsel. However, for civil penalties of \$500 or less, K.S.A. 66-1,142b(e) requires the Commission to allow a duly authorized representative of the corporation . . . to enter an appearance and represent the corporation as a motor carrier.

7. The civil penalty assessed against Mid-America is less than \$500, and thus, in accordance with K.S.A. 66-1,142b(e), the Commission finds that as a duly authorized representative of Mid-America, Mr. Pratt may represent Mid-America before the Commission.

⁷ Request for Hearing (Oct. 23, 2018) – filed in the docket on October 26, 2018.

⁸ *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (Mar. 7, 2019).

⁹ *Prehearing Officer Order Continuing Prehearing Conference*, Ordering Clause A (Apr. 2, 2019).

¹⁰ Motion to Recognize a Corporate Officer as Legal Representative for the Hearings before the Kansas Corporation Commission, p. 1 (Mar. 25, 2019).

¹¹ *Id.*

¹² *Id.*

THEREFORE, THE COMMISSION ORDERS:

A. Mid-America's Motion to allow Ken Pratt, the corporation's President, to represent Mid-America *pro se* in all current and future matters in the instant docket is granted.


B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹³

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/11/2019



Lynn M. Retz
Secretary to the Commission

MJD

¹³ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-GIMM-167-KHP

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 04/11/2019.

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/S/ DeeAnn Shupe

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