

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Investigation of)
Vincernt Rodriguez d/b/a Rodriguez)
Underground Construction, of)
Kansas City, Kansas Regarding the)
Violation of the Motor Carrier Safety) Docket No. 24-TRAM-630-PEN
Statutes, Rules and Regulations and the)
Commission's Authority to Impose)
Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.

ORDER SUSPENDING INTRASTATE MOTOR CARRIER OPERATIONS

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 duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112g and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 40 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 66-1,130, and 66-1,142b, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in

regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. FINDINGS OF FACTS

4. Vincernt Rodriguez d/b/a Rodriguez Underground Construction, of Kansas City, Kansas (Carrier) is a motor carrier as defined in 49 C.F.R. 390.5 as adopted in K.A.R. 82-4-3f, which operates commercial motor vehicle(s) in interstate commerce.

5. Carrier operates under USDOT Number 2140855.

6. Special Investigator Matt Adams has made numerous attempts to contact Carrier to facilitate a safety compliance review on its operations as a motor carrier.

7. Ahsan Latif, Litigation Counsel, wrote and mailed Carrier a letter on March 4, 2024, informing Carrier 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 Carrier. The letter gave Carrier ten (10) days from the date of the letter to respond.

8. As of March 18, 2024, Special Investigator Matt Adams and Litigation Counsel Ahsan Latif have not heard from Carrier to schedule a safety compliance review.

9. On March 18, 2024, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to respond.

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Carrier as the Carrier is a motor carrier, as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.

11. The Commission finds Carrier received sufficient notices of the need to submit to a safety compliance review of its motor carrier operations. The Commission finds Carrier intentionally failed to act upon these notices.

12. The Commission finds Carrier's failure to respond to Staff's attempts to contact is intentional and therefore this Commission orders the Carrier to suspend all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. Vincernt Rodriguez d/b/a Rodriguez Underground Construction of Salina, Kansas, is to be immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as Carrier submits the requested documents to Special Investigator Matt Adams and/or to schedule a safety compliance review and permit such review. This Suspension of Intrastate Motor Carrier Operations Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Order will become a Final Order against Carrier, suspending Carrier's motor carrier operations,

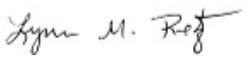
C. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

D. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/21/2024



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

24-TRAM-630-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 03/21/2024.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

Montserrat Martinez, SECRETARY
VINCENT RODRIGUEZ
D/B/A RODRIGUEZ UNDERGROUND CONSTRUCTION
1410 ARMSTRONG AVE
KANSAS CITY, KS 66102
rodriguezunderground50@gmail.com

/S/ KCC Docket Room
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