

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

In the Matter of the Investigation of Arch )  
Design Builders LLC of Overland Park, )  
Kansas, Regarding the Violation of the Motor )  
Carrier Safety Statutes, Rules and Regulations ) Docket No. 17-TRAM-532-PEN  
and the Commission's Authority to Impose )  
Penalties, Sanctions and/or the Revocation of )  
Motor Carrier Authority. )

**MOTION FOR ORDER AMENDING PENALTY ASSESSMENT**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Order Amending Penalty Assessment reducing the penalty assessed to Arch Design Builders LLC (Arch Design Builders), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated June 8, 2017. In support of its Motion, Staff states as follows:

1. On June 8, 2017, a Penalty Order was issued to Arch Design Builders assessing it a penalty of \$4,800 for ten (10) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted by Special Investigator(s) Wade Patterson on May 31, 2017.

1. The Notice of Penalty Assessment advised Arch Design Builders it was a New Entrant carrier and was eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

2. On June 20, 2017, Arch Design Builders submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by

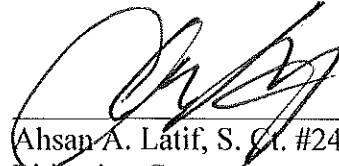
Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Arch Design Builders a 50% reduced penalty of \$2,400 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated June 8, 2017 Arch Design Builders shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order dated June 8, 2017, Arch Design Builders must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Amended Penalty Order, Arch Design Builders must make the payment of \$2,400 through the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

**WHEREFORE,** for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing Arch Design Builders LLC a reduced penalty of \$2,400 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Latif', is written over a horizontal line.

Ahsan A. Latif, S. Ct. #24709  
Litigation Counsel

Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka, Kansas 66604-4027  
Phone: 785-271-3118  
Fax: 785-271-3167  
Email: a.latif@kcc.ks.gov


Attorney for Commission Staff

VERIFICATION

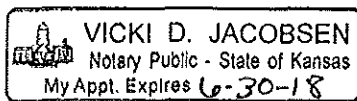
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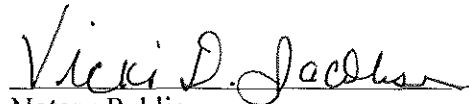
STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

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 for Order Amending Penalty Assessment*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

  
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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 13<sup>th</sup> day of October, 2017.



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

My Appointment Expires: June 30, 2018

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

## REDUCED PENALTY AGREEMENT

### 17-TRAM-532-PEN

Arch Design Builders LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 8, 2017. Arch Design Builders has agreed to comply with the following terms and obligations:

1. Arch Design Builders has submitted, within fifteen (15) days from the date of the Penalty Order issued on June 8, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Arch Design Builders will, within 30 days from the date of the Penalty Order dated June 8, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand that the CAP must be approved by Transportation Staff before my company can be eligible for the 50% reduced penalty.
3. Arch Design Builders will, within thirty (30) days from the date of the Penalty Order dated June 8, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Arch Design Builders will be available within eighteen (18) months from the date of the Penalty Order for a Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Arch Design Builders LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the Agreement attached to the motion. The Amended Penalty Order will assess Arch Design Builders a fifty-percent (50%) reduced penalty of \$2,400, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Arch Design Builders will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 20th day of June, 2017.

Arch Design Builders LLC

Donny Randolph  
Operator/Manager

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

**CERTIFICATE OF SERVICE**

17-TRAM-532-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Assessment was served via electronic service this 13th day of October, 2017, to the following:

DONNY RANDOLPH, OPERATOR/MANAGER  
ARCH DESIGN BUILDERS LLC  
11100 W 91ST STE STE 200  
OVERLAND PARK, KS 66214-1709  
Fax: 913-599-5568  
donny@archcompanies.com

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KANSAS CORPORATION COMMISSION  
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Fax: 785-271-3354  
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John Irwin @ john@cnsprotects.com  
Compliance Company

/s/ Vicki Jacobsen

Vicki Jacobsen