

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

In the Matter of the Investigation of)
Griffetts & Coder Custom Chopping)
LLC, of Effingham, Kansas, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 18-TRAM-450-PEN
Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation)
of Motor Carrier Authority.)

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

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 Griffetts & Coder Custom Chopping LLC of Effingham, 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 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, 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 2491761.
3. On April 26, 2018, the Commission issued Respondent a penalty assessment for one (1) violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on April 4, 2018, by Kansas Corporation Commission Special Investigator Verna Jackson. The Respondent paid the penalty amount of \$1,300 on August 2, 2018.

4. In the Penalty Order at ordering clause B., it is stated, “Further Griffetts & Coder Custom Chopping LLC must submit to one follow-up safety compliance review within the next 18 months.”

5. Special Investigator Verna Jackson has made numerous attempts to contact Respondent to facilitate a follow-up off-site safety compliance review on its operations as a motor carrier.

6. Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter on November 26, 2019, 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 gave Respondent ten (10) days from the date of the letter to respond. A copy of the letter is attached hereto as Attachment “A” and is hereby incorporated by reference.

7. As of December 10, 2019, Special Investigator Verna Jackson and Litigation Counsel Ahsan Latif have not heard from Respondent to schedule a follow-up motor carrier safety compliance review.

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

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

10. Staff asks the Commission find that Respondent’s resistance to respond to Special Investigator Verna Jackson’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.

11. 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 Verna Jackson 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,



Ahsan A. Latif, #24709
Litigation Counsel
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Topeka, Kansas 66604
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(785) 271-3124 (Facsimile)
a.latif@kcc.ks.gov (E-mail)

For Commission Staff

Transportation Division
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3145
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<http://kcc.ks.gov/>

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Dully, Commissioner

Laura Kelly, Governor

November 26, 2019

Bradley Griffiths and Tim Coder, Partners
Griffitts & Coder Custom Choppers LLC
4223 Haskell Rd
Effingham, KS 66023-5059

Re: Compliance Investigation

Dear Mr. Griffiths and Mr. Coder:

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. Griffiths & Coder Custom Choppers LLC 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) Verna Jackson, has made numerous attempts to facilitate a compliance review with you, to no avail. An initial letter was emailed May 14, 2019. On October 16, 2019 a second email was sent to the email on file as well as mailed to the address on file by the US Postal Service. To date no documentation has been received. This letter therefore serves to notify you that should you continue to resist by failing to contact SI Jackson **within ten days of the date of this letter** the Commission may 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 Verna Jackson with the Transportation Division of the Kansas Corporation Commission at 785-271-3104.

Sincerely,



Ahsan A. Latif
Litigation Counsel

VERIFICATION

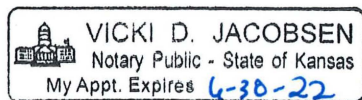
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

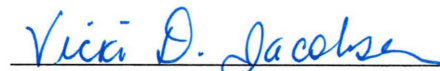
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Suspend Intrastate Motor Carrier Operations* and attests that the 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 10th day of December, 2019.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

18-TRAM-450-PEN

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 10th day of December, 2019, to the following:

TIM CODER, VICE PRESIDENT
GRIFFITTS & CODER CUSTOM CHOPPING LLC
4223 HASKELL RD
EFFINGHAM, KS 66023-5059
codertim@yahoo.com

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Vicki Jacobsen