

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

In the Matter of the Investigation of Varco)
Motors, LLC of Denison, Kansas, Pursuant)
to the Kansas Highway Patrol Issuance of a)
Notice of Violation(s) and Invoice for the) Docket No. 16-GIMM-480-KHP
Violations of the Kansas Motor Carrier Safety)
Statutes, Rules and Regulations.)
)

JOINT MOTION TO DISMISS REQUEST FOR HEARING

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) by and through its counsel Ahsan A. Latif, and Richard Varner, Owner of Varco Motors, LLC (Respondent) presents the above-captioned matter to the Commission for dismissal of Respondent's Request for Hearing, with prejudice. In support of its Motion, Staff states as follows:

1. On February 29, 2016, the Kansas Highway Patrol issued a Notice of Violation against Varco Motors, LLC (Respondent), for alleged violations found during a February 22, 2016, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol. Respondent was assessed \$300.00 in civil fines, comprised of a \$150.00 fine for no/improper breakaway or emergency braking, citing 393.43 and a \$150.00 fine for inoperative turn signal, citing 393.9TS.

2. On March 15, 2016, Respondent initiated a formal challenge, claiming the violations were not valid because the light started working soon after the inspection and because the breakaway was not checked at a previous inspection.

3. On March 17, 2016, the Kansas Highway Patrol denied Respondent's challenge and advised Varco Motors, LLC of its right to an administrative hearing before the Commission.

4. On March 28, 2016, Respondent requested a hearing before the Commission.

5. On May 19, 2016, the Commission issued a Notice of Hearing setting this matter for hearing for on July 13, 2016 at 9:00 a.m.

6. On June 10, 2016, Staff and Respondent conducted a settlement conference wherein the parties agreed to the validity of the violations.

7. Staff and Respondent jointly move to dismiss Respondent's request for a hearing based on the fact that Respondent no longer wishes to contest the violations and fines and has agreed to pay the fines as assessed.

8. Staff further recommends that the above-referenced docket be removed from the Commission's July 13, 2016 docket and that the status of this docket be changed to "closed."

WHEREFORE, for the reasons set forth above, Staff and Varco Motors, LLC respectfully request the Commission order that Respondent's Request for Hearing be dismissed, the above-captioned docket be removed from the Commission's July 13, 2016 docket, the status of this docket be changed to "closed," and that all Commission notices of violations, subsequent invoices and enforcement actions, if any, remain in effect.

Respectfully Submitted,

By: 

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By: 

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Respondent

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 *Joint Motion to Dismiss Request for Hearing*, 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 30th day of June, 2016.



Vicki D. Jacobsen
Notary Public

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

16-GIMM-480-KHP

I, the undersigned, certify that a true and correct copy of the above and foregoing Joint Motion to Dismiss Request for Hearing was served via electronic service this 30th day of June, 2016, to the following:

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