THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Shari Feist Albrecht, Chair Jay Scott Emler		
	Pat Apple	iei	
In the Matter of the Application of dba Brake Inc. ("Operator") for an)	Docket No: 18-CONS-3262-CMSC
License Renewal.	· ;))	CONSERVATION DIVISION
)	License No. 31074

ORDER DENYING APPLICATION FOR LICENSE

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 makes the following findings:

I. JURISDICTION

- 1. Pursuant to K.S.A. 55-155, the Commission is authorized to license operators and contractors as defined by K.S.A. 55-150.
- 2. K.S.A. 55-155 and K.A.R. 82-3-120 outline requirements of the applicant seeking a license or renewed license.

II. STAFF'S STATEMENT OF FACTS

- 3. On November 16, 2017, Operator submitted an application for license renewal.
- 4. Upon review of the application, Staff determined the application does not meet the requirements of K.S.A. 55-155 and K.A.R. 82-3-120. Specifically, the application does not satisfy K.S.A. 55-155(c)(4) as available records demonstrate Operator's license is currently suspended due to non-compliance with the Commission's Penalty Order in Docket 16-CONS-4117-CPEN and is therefore not in compliance with all requirements of K.S.A. Chapter 55.

5. On November 27, 2017, the Conservation Division mailed Operator a letter notifying Operator of the deficiencies in its application, a copy of which is attached to this Order as Attachment A and hereby incorporated by reference. The letter provided Operator with a detailed explanation of Staff's basis for recommending denial of the Operator's license application, and required a response by December 7, 2017. To date, Operator has not provided a satisfactory response.

III. STAFF'S RECOMMENDATION

6. Staff recommends the subject application be denied.

IV. CONCLUSIONS OF LAW

- 7. Based on the available facts, the Commission finds Operator's application does not meet the requirements of K.S.A. 55-155 and K.A.R. 82-3-120, and Staff's recommendation to deny Operator's application is reasonable.
- 8. Pursuant to K.A.R. 82-3-120(i), denial of Operator's application for license constitutes a summary proceeding under K.S.A. 77-537.

THEREFORE, THE COMMISSION ORDERS THAT:

- (A) The Operator's license application is hereby denied.
- (B) Pursuant to K.S.A. 77-537 and 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 266 N. Main, Suite 220, Wichita, Kansas 67202 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. If no hearing is requested, this summary order shall become final effective upon the expiration of the time for requesting a hearing.

	(C)	The Commission retains jurisdiction over the subject matter and the parties for the		
purpose of entering such further orders as it may deem necessary.				
		MMISSION IT IS SO ORDERED. ir; Emler, Commissioner; Apple, Commissioner		

Dated:	JAN 1 8 2018	Lum U. Bet			
		Lydn M. Retz			
		Secretary to the Commission			
Mailed Date:	JAN 1 9 2018				
JRM					

Conservation Division 266 N. Main St., Ste. 220 Wichita, KS 67202-1513



Phone: 316-337-6200 Fax: 316-337-6211 http://kcc.ks.gov/

Sam Brownback, Governor

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

ACTION REQUIRED: POSSIBLE LICENSE DENIAL

November 27, 2017

Joe Brake dba Brake Inc. RT 1 BOX 84 33527 2nd Road Latham, Kansas 67072

RE: License #31074

Operator:

Commission Staff is in receipt of your November 16, 2017, license renewal application. Your application will be denied pursuant to K.S.A. 55-155(c)(4) because your license is not in compliance with Commission statutes, regulations, and orders, if further clarifying information is not received by December 7, 2017.

Specifically, available records indicate your license is suspended for non-compliance under KCC Docket 16-CONS-4117-CPEN. Under K.S.A. 55-155(c)(4), no application or renewal shall be approved until the applicant has demonstrated to the Commission's satisfaction that the operator complies with all requirements of K.S.A. Chapter 55.

Please respond providing information clarifying Staff's understanding of your non-compliance under KCC Docket 16-CONS-4117-CPEN no later than December 7, 2017, to avoid license denial.

Sincerely,

Cyndee Maine

Administrative Assistant

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CERTIFICATE OF SERVICE

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I, the undersigned, certify that the true copy of the attached Orde	r has been served to the following parties by means of
first class mail/hand delivered on JAN 1 8 2018	
Joe Brake	
d/b/a Joe Brake Inc.	
Rt 1 Box 84	
33527 2 ND Road	
Latham, KS 67072	
Electronically to:	
Jonathan Myers	
Kansas Corporation Commission	
J.myers@kcc.ks.gov	
	/S/ DeeAnn Shupe
	DeeAnn Shupe

Order Mailed Date
'JAN 1 9 2018