

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

In the Matter of the Investigation of **Hotshot by**)
Firefighters LLC of Wichita, Kansas, Pursuant to)
the Kansas Highway Patrol Issuance of a Notice of) Docket No. 19-GIMM-406-KHP
Violation(s) and Invoice for the Violations of the)
Kansas Motor Carrier Safety Statutes, Rules and)
Regulations.)

STAFF'S MOTION FOR DEFAULT JUDGMENT

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), by and through its counsel, Ahsan A. Latif, hereby files its Motion for Default Judgment. In Support, Staff states as follows:

1. On March 8, 2019, the Kansas Highway Patrol issued a Notice of Violation(s) against Hotshot by Firefighters LLC (Respondent), for alleged violations found during a March 7, 2019, routine motor carrier stop and inspection, Driver/Vehicle Inspection Report No. KSHP01001354, conducted by the Kansas Highway Patrol (KHP). Respondent was assessed \$650 in civil fines, comprised of the following violations: a \$150.00 fine for Tire-flat and/or audible air leak, citing 393.75A3 and a \$500.00 fine for False report of drivers record of duty status, citing 395.8E.

2. On March 14, 2019, Respondent initiated a formal challenge with the KHP.

3. On March 25, 2019, the Kansas Highway Patrol denied Respondent’s challenge and advised Respondent of its right to an administrative hearing before the Commission.

4. In a letter postmarked April 1, 2019, Respondent requested a hearing before the Commission.

5. Staff and Respondent have communicated several times with regard to Respondent's Request for Hearing, but were unable to move forward.

6. On July 17, 2019, Staff filed its Motion to Set Prehearing Conference requesting that a prehearing conference be set so the parties could move forward.

7. On August 22, 2019, the Commission issued its Order Designating Prehearing Officer and Setting Prehearing Conference (Prehearing Conference Order), which scheduled a Prehearing Conference to take place on September 24, 2019 at 9:00 a.m. by telephone.

8. In Ordering Clause D of the Prehearing Conference Order, the Commission warned that "any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA."

9. On September 24, 2019 at 9:00 a.m. the Prehearing Officer convened a Prehearing Conference. Staff appeared in person and by counsel. Respondent failed to appear.

10. Pursuant to the Commission's Prehearing Conference Order and K.S.A. 77-520, Staff respectfully requests the Commission find that Respondent is in Default, that Respondent's Request for Hearing is dismissed and the violations and civil penalties assessed against Respondent are affirmed, and that this docket be closed.

WHEREFORE, for the reasons more fully described above, Staff respectfully moves the Commission for an Order: (1) finding Respondent in default for failing to appear and participate in the prehearing conference; (2) dismissing the request for hearing filed by Respondent and affirming the violations and civil penalties assessed against Respondent; (3) closing this docket; and (4) any such further relief as the Commission deems necessary and proper.

Respectfully submitted,




Ahsan A. Latif, S. Ct. #24709
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Attorney for Commission Staff

VERIFICATION

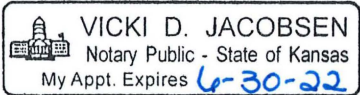
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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 *Staff's Motion for Default Judgment*, 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 26th day of September, 2019.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

19-GIMM-406-KHP

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion for Default Judgment was served via electronic service this 26th day of September, 2019, to the following:

MARK D. GARCIA, MANAGING MEMBER
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Vicki Jacobsen