# BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Investigation of <b>Troy L</b> .	)	
Love, d/b/a Love's Moving Service of	)	
Topeka, Kansas, Regarding the Violation of	)	
the Motor Carrier Safety Statutes, Rules and	)	Docket No. 17-TRAM-416-PEN
Regulations and the Commission's Authority	)	
to Impose Penalties, Sanctions and/or the	)	
Revocation of Motor Carrier Authority.	)	

#### MOTION FOR AMENDED PENALTY ORDER

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 Amended Penalty Order amending the penalty assessed to Troy L. Love, d/b/a Love's Moving Service (Love's Moving Service), by fifty-percent (50%) less than the penalty assessed in the Penalty Order dated April 4, 2017. In support of this Motion, Staff states as follows:

- 1. On April 4, 2017, a Penalty Order was issued to Love's Moving Service assessing it a penalty of \$1,300 for three (3) 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) Verna Jackson, on February 24, 2017.
- 1. The Notice of Penalty Assessment attached to the Penalty Order advised Love's Moving Service 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.

- 3. On April 17, 2017, Love's Moving Service submitted the Reduced Penalty Agreement and a Corrective Action Plan that was approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.
- 4. Staff recommends the Commission issue an Amended Penalty Order assessing Love's Moving Service a reduced penalty of \$650 and requesting it to comply with the following terms and obligations:
  - a. within thirty (30) days from the date of the Penalty Order dated April 4, 2017, Love's Moving Service shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must been submitted to the Transportation Division;
  - b. within eighteen (18) months of the Penalty Order dated April 4, 2017, Love's
     Moving Service 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 Love's Moving Service must submit payment of \$650.

WHEREFORE, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing Troy L. Love, d/b/a Love's Moving Service a reduced penalty of \$650, which is fifty-percent (50%) less than penalty(s) assessed pursuant to the FY 2017 Uniform Penalty Assessment Matrix, and ordering it to comply with the proposed terms and obligations set out above.

Respectfully submitted,

Ahsar A. Laif, S. C. #24709

Litigation Counsel

Kansas Corporation Commission 1500 S.W. Arrowhead Road Topeka, Kansas 66604-4027

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Email: a.latif@kcc.ks.gov

Attorney for Commission Staff



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

Sam Brownback, Governor

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

# 17-TRAM-416-PEN REDUCED PENALTY AGREEMENT

Troy L. Love, d/b/a Love's Moving Service hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 4, 2017. Love's Moving Service has agreed to comply with the following terms and obligations:

- 1. Love's Moving Service has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 4, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
- 2. Love's Moving Service will, within 30 days from the date of the Penalty Order dated April 4, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
- 3. Love's Moving Service will, within thirty (30) days from the date of the Penalty Order dated April 4, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

Troy L. Love, d/b/a Love's Moving Service understands that Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess Love's Moving Service a fifty-percent (50%) reduced penalty of \$650, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Love's Moving Service will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 17 day of April 2017.

Troy L. Love, d/b/a Love's Moving Service

Owner/Operator

Kansas Corporation Commission

APR 17 2017

Office of Litigation Counsel

### **VERIFICATION**

### 17-TRAM-416-PEN

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

Ahsab A. Latif S. Ct. # 24709

Litigation Counsel

The State Corporation Commission of the State of Kansas

Vici D. Jacobsen

SUBSCRIBED AND SWORN to before me this 18th day of April, 2017.

VICKI D. JACOBSEN
Notary Public - State of Kansas
My Appt. Expires 6-30-18

My Appointment Expires: June 30, 2018

## **CERTIFICATE OF SERVICE**

#### 17-TRAM-416-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Amended Penalty Order was served via electronic service this 18th day of April, 2017, to the following:

AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3354 a.latif@kcc.ks.gov TROY L. LOVE, OWNER/OPERATOR TROY L. LOVE D/B/A LOVE'S MOVING SERVICE 916 SE 4TH STREET TOPEKA, KS 66607-1828 Fax: 785-235-0414 tlamontlove@yahoo.com

Vicki Jacobsen