

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

In the Matter of the Investigation of A & A)
Truck Rental 3 Men With a Truck &)
Trailer, LLC, d/b/a A & A Moving)
Hauling Services 3 Men With a Truck,)
d/b/a 3 Men With a Truck, of Topeka,)
Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and)
Regulations and the Commission's)
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

Docket No. 19-TRAM-322-OOS

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER AUTHORITY

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 A & A Truck Rental 3 Men With a Truck & Trailer, LLC, d/b/a A & A Moving Hauling Services 3 Men With a Truck, d/b/a 3 Men With a Truck of Topeka, 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 K.S.A. 2018 Supp. 66-1,108, 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 1439297.
3. Special Investigator Jared Smith has made numerous attempts to contact Respondent to facilitate a safety compliance review on its operations as a motor carrier. Mr. Smith had a safety compliance review scheduled in December 2018, which was rescheduled at Respondent's request to January 10, 2019, at 9:00 a.m. Respondent failed to appear for the review on January 10, 2019, at 9:00 a.m.

4. Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter on January 29, 2019, informing Respondent that the safety compliance review for its motor carrier operations is scheduled at the Kansas Corporation Commission office with Special Investigator Jared Smith on February 11, 2019, at 9:00 a.m. Mr. Latif's letter advised should the Respondent not appear or fail to speak with Mr. Smith to reschedule, the Commission will suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Respondent. Respondent did not appear. A copy of Mr. Latif's letter is attached hereto as Attachment "A" and is hereby incorporated by reference.

5. As of February 14, 2019, Special Investigator Jared Smith and Litigation Counsel Ahsan Latif have not heard from Respondent to schedule a motor carrier safety compliance review.

6. Staff asks that the Commission find Respondent received sufficient notices of the need to schedule a safety compliance review.

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

8. Staff asks the Commission find that Respondent's resistance to respond to Special Investigator Jared Smith'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.

9. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent contacts Special Investigator Jared Smith or Litigation Counsel Ahsan Latif to schedule a 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,

A handwritten signature in black ink, appearing to read 'Ahsan A. Latif', is written over a horizontal line.

Ahsan A. Latif, #24709

Litigation Counsel

Kansas Corporation Commission

1500 SW Arrowhead Road

Topeka, Kansas 66604

(785) 271-3181 (Telephone)

(785) 271-3124 (Facsimile)

a.latif@kcc.ks.gov (E-mail)

For Commission Staff

ATTACHMENT “A”

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

January 29, 2019

Kent Lindemuth

Owner

A&A Truck Rental 3 Men With a Truck & Trailer LLC

d/b/a A&A Moving Hauling Services 3 Men With a Truck & 3 Men With a Truck and Trailer Jayhawk

Moving and Storage

200 SW Jackson

Topeka, Kansas 66603

Re: Failure to Appear for Commission Compliance Review

Dear Mr. Lindemuth:

The Kansas Corporation Commission (KCC) 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. A&A Truck Rental 3 Men With a Truck & Trailer LLC d/b/a A&A Moving Hauling Services 3 Men With a Truck & 3 Men With a Truck and Trailer Jayhawk Moving and Storage 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) Jared Smith, has made several attempts to facilitate a compliance review with you, to no avail. Originally a review was scheduled in December of 2018, but was rescheduled at your request to January 10, 2019. On January 10, 2019, you failed to appear for the compliance review. When contacted by phone to reschedule you stated you were unaware of the appointment and were unable to agree to a time to reschedule. **SI Smith's next available time for a compliance review of your motor carrier operations is February 11, 2019 at 9 a.m. and will take place at the KCC's Topeka Offices at 1500 SW Arrowhead Road, Topeka, Kansas 66604.** This letter therefore serves to notify you that should you fail to appear for the review or fail to speak with SI Smith prior to the review and reschedule to an agreed upon time, *the Commission will 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 Jared Smith with the Transportation Division of the Kansas Corporation Commission at 913-755-1289.

Sincerely,

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Ahsan A. Latif
Litigation Counsel

VERIFICATION

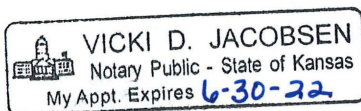
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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 14th day of February, 2019.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

19-TRAM-322-OOS

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, and e-mailed or hand-delivered this 14th day of February, 2019, to the following:

KENT LINDEMUTH, MANAGING MEMBER
A & A TRUCK RENTAL 3 MEN WITH A TRUCK & TRAILER,
LLC
D/B/A 3 MEN WITH A TRUCK
200 SW JACKSON STREET
TOPEKA, KS 66603-3314
aatruckrental@live.com

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Vicki Jacobsen