

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

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
Pat Apple

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. )

**NOTICE OF FILING OF PROPOSED ORDER**

Staff hereby submits the attached Order to Dismiss Request for Hearing a, which is  
concurrently filed with Staff and Respondent's Joint Motion to Dismiss.

Respectfully submitted,



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For Commission Staff

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
Pat Apple

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 Violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations.

Docket No. 16-GIMM-480-KHP

## ORDER TO DISMISS REQUEST FOR HEARING

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 fully advised on the premises, the Commission finds and concludes 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 an Order Setting Hearing, scheduling this matter for hearing 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 filed a Joint Motion to Dismiss Request for 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. 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."
8. The Commission has jurisdiction over this proceeding pursuant to K.S.A. 66-1,129 and K.A.R. 82-4-3, *et seq.*
9. The Commission finds that Staff's requests are reasonable and hereby dismisses Respondent's request for hearing, with prejudice, and closes the above docket.

**IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:**

- (A) Staff and Respondent's Joint Motion to Dismiss Request for Hearing is hereby granted.
- (B) Respondent's Request for Hearing is hereby dismissed, with prejudice.
- (C) The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).
- (D) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: \_\_\_\_\_

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Amy L. Green  
Secretary to the Commission

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**CERTIFICATE OF SERVICE**

16-GIMM-480-KHP

I, the undersigned, certify that a true and correct copy of the above and foregoing Notice of Filing of Proposed Order was served via electronic service this 30th day of June, 2016, to the following:

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