

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

In the Matter of the Investigation of **Inman**)
Irrigation Specialists, Inc. of Inman,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 18-TRAM-192-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

MOTION FOR ORDER AMENDING PENALTY ASSESSMENT

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 Order Amending Penalty Assessment reducing the penalty assessed to Inman Irrigation Specialists, Inc. (Inman Irrigation Specialists), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated November 16, 2017. In support of its Motion, Staff states as follows:

1. On November 16, 2017, a Penalty Order was issued to Inman Irrigation Specialists assessing it a penalty of \$2,150 for four (4) 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 on September 13, 2017, by Special Investigator Doug Handy.

1. The Notice of Penalty Assessment advised Inman Irrigation Specialists it was a New Entrant carrier and may be 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 stated therein.

2. On November 27, 2017, Inman Irrigation Specialists submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Inman Irrigation Specialists a 50% reduced penalty of \$1,075 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated November 16, 2017, Inman Irrigation Specialists shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order, Inman Irrigation Specialists must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within thirty (30) days from the date of service of the Order Amending Penalty Assessment, Inman Irrigation Specialists must make the payment of \$1,075 through the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

WHEREFORE, for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing Inman Irrigation Specialists, Inc. a reduced penalty of \$1,075 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,



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

VERIFICATION

18-TRAM-192-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 Order Amending Penalty Assessment*, 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 2nd day of January, 2018.





Notary Public

My Appointment Expires: June 30, 2018

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

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

18-TRAM-192-PEN

Inman Irrigation Specialists, Inc. (Inman Irrigation Specialists) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated November 16, 2017. Inman Irrigation Specialists has agreed to comply with the following terms and obligations:

1. Inman Irrigation Specialists has submitted, within 15 days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. Inman Irrigation Specialists will, within 30 days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.


3. Inman Irrigation Specialists will, within 30 days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.

4. Inman Irrigation Specialists will be available within 18 months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Inman Irrigation Specialists, Inc. understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$1,075, and set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Inman Irrigation Specialists will have 30 days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 27 day of November, 2017.

Inman Irrigation Specialists, Inc.


Annabe L. Stewart
President

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

18-TRAM-192-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Assessment was served via electronic service this 2nd day of January, 2018, to the following:

ANNABE L. STEWART, PRESIDENT
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Vicki Jacobsen