

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF VEHICLE REGULATION
FRANKFORT, KENTUCKY

In the matter of the application of:

KVA GLOBAL CORP.
DBA KVA MEDICAL TRANSPORT CORP.
PO BOX 21735
LEXINGTON, KY 40522

DOCKET NO. 14-003
(JEFFERSON DPV LEASE 5/5 C3501)

NOTICE OF APPLICABLE STANDARD

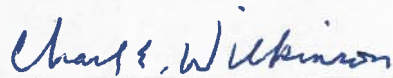
A Memorandum Opinion and Order having been issued and a separate Judgment having been entered by the United States District Court, Eastern District of Kentucky, Central Division, in *Bruner v. Zawacki*, 2014 WL 375601 at *8, E.D.Ky., Feb. 03, 2014, wherein the Court found, “that the notice, protest, and hearing procedures contained in KRS § 281.615 et seq., as applied to the moving service industry in an act of simple economic protectionism, offend and violate the Fourteenth Amendment of the United States Constitution.” The Court issued prospective injunctive relief permanently enjoining the department, “from enforcing the statutes in a way that violates the constitutional rights of new moving companies by allowing existing moving companies to veto new competition.” *Id.* at *1. The same notice, protest, and hearing procedures contained in KRS § 281.615 et seq., apply equally to segments of the passenger motor carrier service industry. The economic and legal justifications for these procedures as applied to the passenger industry being indistinguishable, they amount to a “competitor’s veto” and the department shall not enforce them. The only issue for decision by the department in these matters is therefore whether the applicant for passenger authority is fit, willing, and able properly to

perform the service proposed. The hearing officer being otherwise sufficiently advised;

IT IS THEREFORE HEREBY ORDERED that:

The parties are granted fourteen days from the date of this order in which to file an amended Prehearing Statement (if required) and to make any prehearing motions occasioned by this notice.

Done this Thursday, August 07, 2014.



Hon. Charles E. Wilkinson
Hearing Officer
Transportation Cabinet
Office of Legal Services
200 Mero Street
Frankfort, KY 40622
(502) 564-7650

CERTIFICATE

I hereby certify that a true and accurate copy of the foregoing Notice was served by certified mail, return receipt requested, upon the parties this Thursday, August 07, 2014.

Attorney for applicant:

Hon. Mark W. Leach (14-003)
Stites & Harbison, PLLC
400 West Market Street, Ste 1800
Louisville, KY 40202
(502) 681-0583
Fax (502) 779-8379
swilliams@stites.com

Applicant transferor:

Sandollar Yacht & RV Sales, Inc. (14-003)

321 Outer Loop
Louisville, KY 40214
(502) 366-2628
mike@sandollarlimo.com

Attorney for protestant:
Hon. James D. Liebman (14-003)
403 West Main Street
PO Box 478
Frankfort, KY 40602
(502) 226-2000
jhliebman@aol.com

A handwritten signature in blue ink that reads "M. Brothers". The signature is written in a cursive style and is positioned above a horizontal line.

Office of the Clerk