

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

October 13, 2016

17-TRAM-120-PEN

Joshua Beyrle, Managing Member
JSB Landservices, LLC
4700 N 215th West
Colwich, Kansas 67030

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 28, 2016 and August 12, 2016, by Kansas Corporation Commission Special Investigators Gary Goeller and Greg Askren. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$1,400 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

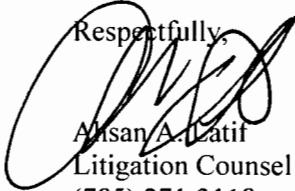
IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,


Ansari A. Latif
Litigation Counsel
(785) 271-3118

**THE 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 **JSB**)
Landservices, LLC, of Colwich, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 17-TRAM-120-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2015 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. JSB Landservices, LLC (JSB Landservices) operates under USDOT number 1021960.

5. JSB Landservices is an intrastate private and exempt for-hire carrier. It is a landscape developer for new and existing construction.

6. JSB Landservices is a private motor carrier which primarily hauls building materials, construction and landscape materials.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on July 28, 2016 and August 12, 2016, Commission Staff (Staff) Special Investigators Gary Goeller and Greg Askren conducted a compliance review of the operations of JSB Landservices. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Goeller and Mr. Askren identified three (3) violations of the Motor Carrier Safety Regulations.

- a. On June 29, 2016, JSB Landservices required or permitted its driver, Joshua M. Beyrle, to operate a CDL-required commercial motor vehicle, a 1985 International, VIN ending in 14525, GVWR 48,000 lbs., pulling a 1998 Trail King trailer, VIN ending in 013839, GVWR 48,200 lbs., in intrastate commerce in and around the area of Wichita, Kansas. This trip

is evidenced by Driver/Vehicle Examination Report No. KSHP04231075, dated June 29, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, JSB Landservices had not implemented an alcohol and controlled substance testing program for its CDL drivers. JSB Landservices' failure to establish an alcohol and/or controlled substances program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), as adopted by K.A.R. 82-4-3c, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$650.

- b. During the transportation described in paragraph a., above, JSB Landservices failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigators found two violations of this type. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2015 Supp. 66-1,112. Staff recommends a fine of \$250.
- c. During the transportation described in paragraph a., above, JSB Landservices failed to require its driver to be medically examined and certified as physically fit to operate a commercial motor vehicle. The special investigators found two violations of this type. The carrier's

failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.45(b)(1) and 49 C.F.R. 391.51(b)(7)(i), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find JSB Landservices committed three (3) violations 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, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$1,400 for three (3) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that JSB Landservices be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that JSB Landservices submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over JSB Landservices because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds JSB Landservices committed three (3) violations 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, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. JSB Landservices, LLC, of Colwich, Kansas is hereby assessed a \$1,400 civil penalty for three (3) violations of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. JSB Landservices is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, JSB Landservices is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of JSB Landservices' right to a hearing, and this

Penalty Order will become a Final Order assessing a \$1,400 civil penalty against JSB Landservices, and ordering JSB Landservices to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$1,400 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of JSB Landservices' motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited


to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: OCT 13 2016




Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date
OCT 14 2016

ATTACHMENT “A”

	US DOT # 1021960		Legal: JSB LANDSERVICES LLC Operating (DBA):	
	MC/MX #:		State #: [REDACTED] Federal Tax ID: [REDACTED] (EIN)	
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: F
Operation Types		Interstate Intrastate		
Carrier: N/A		HM		
Shipper: N/A		N/A		
Cargo Tank: N/A		Business: Corporation		
		Gross Revenue: [REDACTED] for year ending: 12/31/2015		
Company Physical Address:				
[REDACTED]				
Contact Name: Josh Beyrle				
Phone numbers: (1) [REDACTED] Fax				
E-Mail Address: [REDACTED]				
Company Mailing Address:				
4700 N 215th West COLWICH, KS 67030				
Carrier Classification				
Private Property				
Cargo Classification				
Building Materials		Construction		Other: land scape materials
Hazardous Materials				
9 Miscellaneous HM		Carried		Non-Bulk
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	4	0	0	Trailer
				Owned Term Leased Trip Leased
				2 0 0
Power units used in the U.S.: 4				
Percentage of time used in the U.S.: 100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:	0	2	Total Drivers: 2	
>= 100 Miles:	0	0	CDL Drivers: 2	





JSB LANDSERVICES LLC
U.S. DOT #: 1021960

State #: [REDACTED]

Review Date:
09/30/2016

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd., Topeka, KS 66604-4027

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Josh Beyrle

Title: Owner

Name:

Title:





JSB LANDSERVICES LLC
U.S. DOT #: 1021960

State #: [REDACTED]

Review Date
08/12/2016

Part B Violations

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. Example Josh Beyrle Trip date 06/29/2016 Carrier failed to have documentation of a Controlled substance and/or alcohol testing program prior to 07/26/2015 Carrier operated a 1985 International KS 25 local tag [REDACTED] VIN# [REDACTED] 14525 48,000 GVWR and a 1998 Trail-Ease-trailer KS tag [REDACTED] VIN# [REDACTED] 013839, GVWR 48,200					
2 FEDERAL	Primary: 390.19(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to update MCS150 every 24 months Example Josh Beyrle Trip date 06/29/2016 Carrier failed to update MCS150 every 24 months. Last MCS150 was dated 03/03/2004					
3 STATE	Primary: 391.23(m)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description The motor carrier must obtain an original or copy of the medical examiner's certificate issued in accordance with § 391.43, and any medical variance on which the certification is based, and, beginning on or after May 21, 2014, verify the driver was certified by a medical examiner listed on the National Registry of Certified Medical Examiners as of the date of issuance of the medical examiner's certificate, and place the records in the driver qualification file before allowing the driver to operate a CMV. Example Josh Beyrle Trip date 06/29/2016 Carrier failed to have a note or copy of MEC's Federal Registry page					
4 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Josh Beyrle Trip Date 06/29/2016 Carrier failed to complete MVR's at least once every 12 months. MVR on file was completed on 07/26/2016					





JSB LANDSERVICES LLC
U.S. DOT #: 1021960

State #

Review Date
08/12/2016

Part B Violations

5 STATE	Primary: 391.45(b)(1) Secondary: 391.11(a) CFR Equivalent: 391.45(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Using a driver not medically examined and certified during the preceding 24 months. Example Josh Beyrle Trip date: 06.29.2016 Driver medical card expired on 04.25.2015 and new medical completed on 7.28.2016					
6 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Josh Beyrle Trip date: 06.29.2016 Carrier had full description lacking tire size on maintenance files.					
Safety Fitness Rating Information:					
Total Miles Operated 40,000		OOS Vehicle (CR): 0			
Recordable Accidents 0		Number of Vehicle Inspected (CR): 0			
		OOS Vehicle (MCMIS): 4			
		Number of Vehicles Inspected (MCMIS): 4			
Your proposed safety rating is :					
This Review is not Rated.					





JSB LANDSERVICES LLC

U.S. DOT #: 1021960

State #: [REDACTED]

Review Date:

05/12/2016

Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers: www.fmcsa.dot.gov/safety-security/eta/index.htm
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. Obtain a copy of each driver's driving record and review it annually.
4. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
5. Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months.

6. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN: Carrier had old TPA through a facility in Wichita, KS that went out of business and carrier obtained new TPA through DOT Medical Examiners of Kansas. Carrier had failed to maintain contact relationship with old consortium to make sure all was still completed as required. Carrier could not provide any paper work on old TPA during review.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://sa.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

7. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to complete renewal of DOT medical cards every 24 months. Carrier did not have a reminder set up to renew medical cards and the Kansas Dept of Revenue failed to send notice of expiring medical cards or downgrade of CDL status to Carrier.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
- Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and





JSB LANDSERVICES LLC
U.S. DOT #: 1021960

State #: [REDACTED]

Review Date:
03/12/2016

Part B Requirements and/or Recommendations

obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.

- Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
- Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, dispatcher, and driver by using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://a1.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

8. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

9. For all Investigations:

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>.

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a





JSB LANDSERVICES LLC

U.S. DOT #: 1021960

State #: [REDACTED]

Review Date:

03/12/2016

Part B Requirements and/or Recommendations

target. Protect yourself, your trucks, your cargo, and your facilities.

For all investigations that could result in a Penalty Order:

• **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their recurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

10. I acknowledge that those requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of JSB Landservices LLC's vehicles operating authority and/or the impoundment of JSB Landservices LLC's vehicles.

Signed [Signature] date 03.12.2016

11. For all investigations:

• **Understand Why Compliance Saves Time and Money.** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

• **Document and Follow Through on Action Plans.** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

• **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations, violations of the same Part in Title 49, Code of Federal Regulations will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same





JSS LANDSERVICES LLC
U.S. DOT #: 1021960

State #: [REDACTED]

Review Date:
08/12/2016

Part B Requirements and/or Recommendations

Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- **NOTICE** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order.

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations that did not result in a Cooperative Safety Plan

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their re-occurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above. (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

INSPECT 1.0.91



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO4231075
Inspection Date: 06/29/2016
Start: 8:50 AM CT End: 9:45 AM CT
Inspection Level: II - Walk-Around Inspection
HM Inspection Type: None

JSS LANDSERVICES LLC

Driver: BEYRL, JOSHUA M

COLWICH, KS, 67030

License#: [REDACTED]

State: KS

USDOT: 1021960

Phone: [REDACTED]

Date of Birth: [REDACTED]

MC/MX#:

Fax#: [REDACTED]

CoDriver:

License#:

State:

State#:

Date of Birth:

Location: SEDGWICK COUNTY - 173

Milepost: Shipper: N/A

Highway: 5300 N BROADWAY

Origin: WICHITA, KS

Bill of Lading: N/A

County: SEDGWICK

Destination: WICHITA, KS

Cargo: ROCKS / SKID
STEER

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	QOS Sticker
1	TR	INTL	1965	KS	[REDACTED]	[REDACTED]	[REDACTED]	4525	48000		
2	ST	TRLK	1998	KS	[REDACTED]	[REDACTED]	[REDACTED]	13835	48200		138602

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	QOS	Citation #	Verify Crash	Violations Discussed
392.2RG	F	1	N		N	N State vehicle registration or License Plate violation: REGISTRATION RECEIPT NOT CARRIED (TAG DISPLAYS 24W)
350.21B	F	1	N		N	N Carrier name and/or USDOT Number not displayed as required: NO CARRIER NAME OR USDOT NUMBER DISPLAYED ON RIGHT SIDE. INCORRECT USDOT NUMBER DISPLAYED LEFT SIDE (1021968 DISPLAYED)
390.19A1	F	1	N		N	N Motor Carrier failed to file required biennial update of MCS-150 as required: LAST UPDATE 03/2/04
390.110B	F	2	Y		U	N Insufficient tie-downs to prevent forward movement for load not blocked by headerboard, bulkhead, or other cargo: LOAD OF ROCK IN EXCESS OF 1,000 LBS SECURED WITH A SINGLE LOOSE STRAP. (2 PROPER SECURED STRAPS REQUIRED)
392.9A	F	2	Y		U	N Failing to secure load: SKID STEER SECURED WITH 2 CHAINS AND RATCHETS LOOSE ENOUGH TO DETACH WITH HAND PRESSURE. DETACHED BUCKET OF SKID STEER UNSECURED.
393.75A	F	2	Y		U	N Flat tire or fabric exposed: AXLE 4 LEFT BOTH LEFT SIDE TIRES FLAT.

Hazard: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

State Information:

CDL Verified: Y; No Connectivity: N; Officer recommend Civil Assess: Y

Pursuant to the authority contained in Title 48, CFR, K.S.A. 65-1, 129, K.C.C. Reg. 62-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE." No person and/or owner shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of the motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the carrier indicated on this report. Driver Initials: [REDACTED]

*NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: [REDACTED]

Facility: [REDACTED]

Date: [REDACTED]

Report Prepared By:
M. MullenBadge #:
0423Copy Received By:
JOSHUA BEYRL

01021960 KS KSHPO4231075

X

X

DRIVER/VEHICLE EXAMINATION REPORT

inSPECT 1.0.91



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP04231075
Inspection Date: 06/29/2016
Start: 8:50 AM CT End: 9:45 AM CT
Inspection Level: II - Walk-Around Inspection
HM Inspection Type: None

DWYER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.
MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH, and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://portal.fmcsc.dot.gov>
Signature Of Motor Carrier X Title Date

Report Prepared By
M. Mullen

Badge #
0423

Copy Received By
JOSHUA BEYRLE



01021960 KS KSHP04231075

X

X

CERTIFICATE OF SERVICE

17-TRAM-120-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **OCT 13 2016**.

JOSH BEYRLE, OWNER
JSB LANDSERVICES LLC
4700 N 215TH ST W
COLWICH, KS 67030-9608
josh@jsblandservices.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

OCT 14 2016