

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

VIA CERTIFIED MAIL

November 4, 2011

Chad Wende, Owner
Chad Wende, d/b/a Landmark Landscape
PO Box 751131
Topeka, Kansas 66675

12-TRAM-244-PEN

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 August 31, 2011, by Kansas Corporation Commission Special Investigator Lance Jones. 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 \$2,900 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 Fiscal Section 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 calling the Fiscal Office at 785-271-3178.

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 12 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 Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of the Penalty Order. K.A.R. 82-1-215.

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 operations.

Sincerely,

Amber Whitlock
Assistant Litigation Counsel
(785) 271-3301

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

Before Commissioners: Mark Sievers, Chairman
Ward Loyd
Thomas E. Wright

In the Matter of the Investigation of **Chad**)
Wende, d/b/a Landmark Landscape, of)
Topeka, Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 12-TRAM-244-PEN
Regulations and the 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, being duly advised in the premises, and after having examined its files and records, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 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. 66-1,129a, 66-1,130 and 66-1,142b, and amendments thereto, 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. Chad Wende, d/b/a Landmark Landscape, LLC (Landmark Landscape) operates under USDOT number 1166909.

5. Landmark Landscape, LLC is no longer a company as it went through a Chapter 7 bankruptcy in May 2009 and the bankruptcy was final in November 2009. Mr. Wende sold all the equipment and now only owns one truck (GVWR 10,001) and one trailer (GVWR 10,400), which he uses to pull his mower. He does not exceed 25-miles from his home.

6. Landmark Landscape is a private motor carrier which primarily hauls machinery, large objects and landscaping materials.

III. STAFF'S STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 31, 2011, Commission Staff (Staff) Special Investigator Lance Jones conducted a compliance review of the operations of Landmark Landscape. 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. Jones identified four (4) violations of the Motor Carrier Safety Regulations.

- a. On August 9, 2011, Landmark Landscape required or permitted its driver, Chad Wende, to operate a commercial motor vehicle, a 2005 Chevrolet Truck, VIN [REDACTED], pulling a 2004 Neal trailer, in commerce on an intrastate trip from Topeka, Kansas to Silver Lake,

Kansas. This trip is evidenced by the Kansas Highway Patrol Driver/Vehicle Examination Report No. KS00XW004729, dated August 9, 2011, a copy of which is attached hereto as Attachment "B". At the time of this transportation, driver, Chad Wende, did not have a current medical examiner's certificate to show he was physically fit to operate a commercial motor vehicle. Mr. Wende did not obtain his medical examiner's certificate until August 30, 2011, after the date of this trip. See Medical Examiner's Certificate attached hereto as Attachment "C". Landmark Landscape'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 Title 49 C.F.R. 391.45(b)(1) and Title 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. 2010 Supp. 66-1,129. Landmark Landscape was cited for the same violation in a compliance review conducted in October 2006 and therefore Staff recommends an enhanced fine of \$1,000. See a copy of the compliance review dated October 6, 2006 attached hereto as Attachment "D".

- b. During the transportation described in paragraph a., above, Landmark Landscape permitted or required this transportation without first inquiring into the driving record (MVR) of Chad Wende in the preceding 12 months. This is evidenced by the absence of a current MVR in Mr. Wende's driver qualification file. Landmark Landscape'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 Title 49 C.F.R. Part 391.25(a) and (c), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2010 Supp. 66-1,112. Landmark Landscape was cited for the same violation in a compliance review conducted in October 2006 and in a Safety Audit on March 31, 2004, and therefore Staff recommends an enhanced fine of \$400. See a copy of the compliance review dated October 6, 2006 attached hereto as Attachment "D".

- c. During the transportation described in paragraph a., above, Landmark Landscape required or permitted this transportation without first requiring that its driver, Chad Wende, make a record of duty status. This is evidenced by the carrier unable to produce a copy of a timesheet for the transportation. Landmark Landscape's failure to require its driver to record records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in Title 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in Title 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2010 Supp. 66-1,129. Staff recommends a fine in the amount of \$500.
- d. During the transportation described in paragraph a., above, Landmark Landscape permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial

motor vehicle during the preceding 12-months. This violation is evidenced by the absence of a periodic (annual) inspection report in the maintenance file of the vehicle at the time of the compliance review. Landmark Landscape's failure to conduct periodic (annual) inspections on its commercial motor vehicle is a violation of Title 49 C.F.R. 396.17(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2010 Supp. 66-1,129. Landmark Landscape was cited for the same violation in a compliance review conducted in October 2006 and therefore Staff recommends an enhanced fine of \$1,000. See a copy of the compliance review dated October 6, 2006 attached hereto as Attachment "D".

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Landmark Landscape committed four (4) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), 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 \$2,900 for four (4) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Landmark Landscape 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 Landmark Landscape submit to one follow-up safety compliance review within the next twelve (12) 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 Landmark Landscape because it is a motor carrier as defined in K.S.A. 66-1,108.

13. The Commission finds Landmark Landscape committed four (4) violations of Kansas law that govern motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), 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. Chad Wende, d/b/a Landmark Landscape, of Topeka, Kansas is hereby assessed a \$2,900 civil penalty for four (4) 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. Landmark Landscape 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, Landmark Landscape is ordered to submit to one follow-up safety compliance review within the next twelve (12) months.

C. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, and amendments thereto, 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 Executive Director, 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, return receipt requested, service of this order is complete when Chad Wende, d/b/a Landmark Landscape signs the Domestic Return Receipt. If service is by regular U.S. mail, service is complete upon the date of mailing plus three (3) days. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Landmark Landscape's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,900 civil penalty against Landmark Landscape, and ordering Landmark Landscape 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 twelve (12) 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. A corporation shall not be permitted to enter an appearance, except by its attorney.

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 Fiscal Section 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 \$2,900 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Landmark Landscape's 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 order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn; Loyd, Com.; Wright, Com.

Dated: NOV 04 2011


ORDER MAILED NOV 04 2011

Patrice Petersen-Klein
Executive Director

AW

ATTACHMENT "A"



US DOT #
1166909

Legal: CHAD WENDE
Operating (DBA): LANDMARK LANDSCAPE LLC

MC/MX #:

Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: A

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: 12/31/2011

Company Physical Address:

Contact Name:

Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED]

E-Mail Address:

Company Mailing Address:

PO BOX 751131
TOPEKA, KS 66675

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	3
Part B - Recommendations	4
Review/Audit Receipt Page	1
Total Pages	10

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

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
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027 (785)271-3151

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Chad Wendt

Title: President/Owner

Name:

Title:

Reported By: [Signature]


Title:

Code: KS8210 Date: 8/31/2011

Received By: [Signature]

Title: OWNER



	US DOT # 1166909	Legal: CHAD WENDE Operating (DBA): LANDMARK LANDSCAPE LLC											
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)											
Review Type: Compliance Review (CR)													
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: A									
Operation Types													
Carrier:	N/A	HM	Business: Corporation Gross Revenue: [REDACTED] for year ending: 12/31/2011										
Shipper:	N/A	N/A											
Cargo Tank:	N/A												
Company Physical Address:													
[REDACTED]													
Contact Name: Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED] E-Mail Address: [REDACTED]													
Company Mailing Address:													
PO BOX 751131 TOPEKA, KS 66675													
Carrier Classification													
Private Property													
Cargo Classification													
Machinery, Large Objects Other: Landscape Materials													
Hazardous Materials													
9 Miscellaneous HM Carried Non-Bulk Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A													
Driver Information													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Inter</th> <th>Intra</th> </tr> </thead> <tbody> <tr> <td>< 100 Miles:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td>>= 100 Miles:</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> </tbody> </table>				Inter	Intra	< 100 Miles:	0	1	>= 100 Miles:	0	0	Average trip leased drivers/month: 0 Total Drivers: 1 CDL Drivers: 0	
	Inter	Intra											
< 100 Miles:	0	1											
>= 100 Miles:	0	0											
Equipment													
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased						
Truck	1	0	0	Trailer	1	0	0						
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100													





LANDMARK LANDSCAPE LLC (CHAD WENDE dba)
U.S. DOT #: 1166909

Review Date:
08/31/2011

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
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027 (785)271-3151

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Chad Wendé

Title: President/Owner

Name:

Title:





Part B Violations

1 STATE	Primary: 390.19(i)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to file a Motor Identification Report, Form MCS-150 every 12 months in Kansas which is a PRISM state. Example Chad Wendé 8/9/2011				
2 STATE	Primary: 391.45(b)(1) Secondary: 391.11(a) CFR Equivalent: 391.45(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
Description Using a driver not medically examined and certified during the preceding 24 months. Example Chad Wendé 8/9/2011, Did not have a current medical examiners certificate. Wendé advised the last one expired 2009. He did obtain a medical examiners certificate 8/30/2011.				
3 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
Description Failing to maintain driver's employment application in driver's qualification file. Example Chad Wendé 8/9/2011				
4 STATE	Primary: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
Description Driver Qualification file must contain a copy of the response by each State agency concerning a driver's driving record pursuant to §391.23(a)(1); Example Chad Wendé 8/9/2011				
5 STATE	Primary: 391.51(b)(3) CFR Equivalent: 391.51(b)(3)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1
Description Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent. Example Chad Wendé 8/9/2011				





LANDMARK LANDSCAPE LLC (CHAD WENDE dba)

U.S. DOT #: 1166909

Review Date:

08/31/2011

Part B Violations

6 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). Example Chad Wendé 8/9/2011					
7 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example Chad Wendé 8/9/2011					
8 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 30	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to require driver to make a record of duty status. Example 8/9/2011 Chad Wendé					
9 STATE	Primary: 396.3(b)(2) CFR Equivalent: 396.3(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. Example 2005 Chevrolet, KS [REDACTED]					
10 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Using a commercial motor vehicle not periodically inspected. Example 2004 Neal Trailer 8/9/2011 Both truck and trailer at the time of the stop did not have an annual inspection. Wendé did complete an annual inspection on the truck 8/30/2011.					





LANDMARK LANDSCAPE LLC (CHAD WENDE dba)
U.S. DOT #: 1166909

Review Date:
08/31/2011

Part B Violations

11 STATE	Primary: 396.19(b) CFR Equivalent: 396.19(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to maintain evidence of inspector's qualifications. Example Chad Wendé 8/30/2011 8/9/2011				
Safety Fitness Rating Information: Total Miles Operated 9,000 Recordable Accidents 0		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0		

Your proposed safety rating is :

This Review is not Rated.



**Part B Requirements and/or Recommendations****1. 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 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:

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 15 days and any additional evidence necessary to prove the corrective action has been taken to:

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

2.



Part B Requirements and/or Recommendations

DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier does not have DQ file.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy for the timely review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written, progressive disciplinary policy comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that drivers comply with driver-fitness regulations and company policies. This policy should also specify consequences for any carrier official who knowingly and willfully allows driver-fitness violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Please review the materials located at http://ai.fmcsa.dot.gov/sms/Data/carrier_sir.aspx. This website contains helpful safety resources. In particular please refer to the following resource numbers
 - Resource Number: 31021
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry

3. FATIGUE DRIVING (HOS) BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier does not keep time records.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.





Part B Requirements and/or Recommendations

- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip. Outline consequences for noncompliance, such as withholding of paychecks until documents have been submitted.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written, progressive disciplinary policy comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that drivers comply with fatigued-driving-related regulations and company policies. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Please review the materials located at http://ai.fmcsa.dot.gov/sms/Data/carrier_sir.aspx. This website contains helpful safety resources. In particular please refer to the following resource numbers
 - Resource Number: 21021
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. VEHICLE MAINTENANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier did not complete an annual inspection on his trailer, nor did he have documentation of a certified mechanic.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written, progressive disciplinary policy comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that employees comply with vehicle inspection, repair and maintenance regulations, and company policies. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Please review the materials located at http://ai.fmcsa.dot.gov/sms/Data/carrier_sir.aspx. This website contains helpful safety resources. In particular please refer to the following resource numbers
 - Resource Number: 51021
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in





LANDMARK LANDSCAPE LLC (CHAD WENDE dba)

U.S. DOT #: 1166909

Review Date:

08/31/2011

Part B Requirements and/or Recommendations

the industry.

5. Make sure that you update your MCS-150 (USDOT number) every year.



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.13.2.4



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: KS00XW004729
Inspection Date: 08/09/2011
Start: 3:18:10 PM CT **End:** 4:14:00 PM CT
Inspection Level: I - Full
HM Inspection Type: Non-Bulk

CHAD WENDE
 PO BOX 751131
 TOPEKA, KS 66675
USDOT#: 01166909
MC/MX#:
State#:

Phone#: [REDACTED]
Fax#:

Driver: WENDE, CHAD A
License#: [REDACTED] **State:** KS
Date of Birth: [REDACTED]
CoDriver:
License#: **State:**
Date of Birth:

Location: SHAWNEE COUNTY - 177
Highway: HUNTOON AT ARROWHEAD
County: SHAWNEE, KS

MilePost:
Origin: TOPEKA, KS
Destination: TOPEKA, KS
Shipper: CARRIER
Bill of Lading:
Cargo: MOWERS & GASOLINE

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TR	CHEV	2005	KS	[REDACTED]		[REDACTED]	10,001			
2	ST	NEAL		KS				10,400			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4
Right	N/A	N/A	N/A	N/A
Left	N/A	N/A	N/A	N/A
Chamber	HYDR	HYDR	ELEC	ELEC

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
391.41(a)	F	D	N		N	N	No medical certificate in driver's possession
393.42	F	1	Y		U	N	No brakes as required--In-cab trailer brake controller not activating trailer brakes. OOS while in combination.
393.43	F	2	Y		U	N	No or improper breakaway or emergency braking--Cable not hooked to truck separately from safety chain or coupling device. Hooked to chain.
390.21(b)	F	1	N		N	N	Carrier name and USDOT Number not displayed as required
393.25(f)	F	1	N		N	N	Stop lamp violations--Right rear brake light inop.
393.9(a)	F	1	N		N	N	Inoperable required lamp--Back-up lights inop. Rear side marker and ID lights inop.
390.19	F	1	N		N	N	Motor Carrier failed to file required biennial update of MCS-150 as required--www.fmcsa.dot.gov. 1-800-832-5660. Last updated on 9-1-04.
393.9(a)	F	2	N		N	N	Inoperable required lamp--All side marker & clearance lights inop.
393.11	F	2	N		N	N	Rear ID lights missing.
392.2	F	2	N	3584607	N	N	Local Laws (general)--Trailer not registered.

HazMat: 3 Flammable

Placard: No **Cargo Tank:**

Special Checks: No Data for Special Checks.

* Pursuant to the authority contained in Title 49, CFR: K S A. 66-1,129; K C C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this 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: [Signature]

* 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: _____ Facility: _____ Date: _____

*** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. *** **/ ** CARRIER CERTIFICATION: All defects on this sheet 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.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
 T. C. BROOKS

Badge #:
 0075

Copy Received By:
 CHAD WENDE

Page 1 of 1



01166909 KS KS00XW004729

ATTACHMENT "C"

MEDICAL EXAMINER'S CERTIFICATE

I certify that I have examined CHAD W. WOLF in accordance with the Federal Motor
Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driving duties, I find this person is qualified and, if applicable, only when:

- | | |
|--|--|
| <input type="checkbox"/> wearing corrective lenses | <input type="checkbox"/> driving within an exempt intracity zone (49 CFR 391.62) |
| <input type="checkbox"/> wearing hearing aid | <input type="checkbox"/> accompanied by a Skill Performance Evaluation Certificate (SPE) |
| <input type="checkbox"/> accompanied by a _____ waiver/exemption | <input type="checkbox"/> Qualified by operation of 49 CFR 391.64 |

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

Signature of Medical Examiner [Signature] Date 08/21/11
Medical Examiner's Name (print) _____

☐ MD ☐ DO ☒ Chiropractor
☐ Physician Assistant ☐ Advanced Practice Nurse

Medical Examiner's License or Certificate No. / Issuing State 603317 IL

Signature of Driver [Signature]

Address of Driver 312 W. LUDLOW RD SILVER LAKE IL 60531

Medical Certificate Expiration Date 08/21/12

ATTACHMENT "D"

KANSAS

CORPORATION COMMISSION

KATHLEEN SEBELIUS, GOVERNOR

BRIAN J. MOLINE, CHAIR

ROBERT E. KREHBIEL, COMMISSIONER

MICHAEL C. MOFFET, COMMISSIONER

MOTOR CARRIER SHOW CAUSE CHARGING SHEET

1. Official Name of Company: Landmark Landscape LLC

2. If a Corporation, name & address of registered agent:

David Knudtson

[REDACTED]
[REDACTED]

If a d/b/a, name & address of proprietor:

Chad Wende

3737 NW Hodges Rd

Silver Lake KS 66539

3. Date compliance review was conducted:

10/10/06

4. Name(s) of Investigator(s) conducting the review:

David Ollenberger

5. Number of recommended Counts:

Four

6. Apparent violations that staff recommends be included as counts on show cause:

Failure to implement alcohol and controlled substance testing program 382.103(b)

Failing to maintain drivers qualification files 391.51(b)

Failure to prepare driver vehicle inspection reports 396.11(a)

Commercial vehicle not periodically inspected 396.17 (c)

KANSAS

CORPORATION COMMISSION

KATHLEEN SEBELIUS, GOVERNOR

BRIAN J. MOLINE, CHAIR

ROBERT E. KREHBIEL, COMMISSIONER

MICHAEL C. MOFFET, COMMISSIONER

MEMORANDUM

To: Dale Moore

From: David Ollenberger

Date: 10/11/06

Re: Complaint # KS 2007-0435-KS8202

A letter of complaint was received at the Kansas Corporation Commission from a Brian Betrand alleging that Landmark Landscape LLC was not randomly testing their drivers in an alcohol and controlled substance testing program.

A compliance review was conducted on 10/10/06 at Landmark Landscape LLC, located at 2325 NW Clay, Topeka KS, 66618. Chad Wende was the President of the corporation. The compliance review revealed that this carrier was in violation of the alcohol and controlled substance testing requirements. The carrier was also in violation of the FMCSR's in failure to have driver qualification files, driver's daily inspections reports, and current annual inspections. (See attached compliance review dated 10/10/06). This carrier operates a mowing service as well as the landscaping business, and therefore was not exempt under the tools of the trade exemption. The compliance review also revealed two road side inspections in which the vehicle was in excess of gvwr of 26,000 lbs.

The compliance review revealed serious violations and a Show Cause Hearing is being initiated.



David Ollenberger, Special Investigator

Kansas Corporation Commission.

KANSAS

CORPORATION COMMISSION

KATHLEEN SEBELIUS, GOVERNOR

BRIAN J. MOLINE, CHAIR

ROBERT E. KREHBIEL, COMMISSIONER

MICHAEL C. MOFFET, COMMISSIONER

MEMORANDUM

To: Dale Moore

From: David Ollenberger

Date: 10/12/06

Re: Show Cause # KS-2007-9645-KS8202

On 10/10/06 a compliance review was conducted on Landmark Landscape LLC. The President is Chad Wende, and the current address is 2325 NW Clay, Topeka, KS. The review was result of a complaint (# 435), that this carrier was not in a random alcohol and controlled substance testing program. The review revealed the complaint was accurate and several other violations of the FMCSR's were also discovered. The violations are serious in nature and a Show Cause Hearing should be imposed upon this carrier.

Count #1

On 08/25/06 Austin Desch an employee and driver for Landmark Landscape LLC, operated a commercial motor vehicle, a 1995 Freightliner, bearing Kansas registration number [REDACTED] in intrastate commerce in Shawnee County Kansas. This carrier failed to implement an alcohol and controlled substance random testing program. This is a violation of 49 C.F.R. 382.1159(a) as adopted by K.S.A. 66-1,129 and K.A.R. 82-4-3.

Count # 2

On 08/21/06 Landmark Landscape LLC allowed driver Shawn Peavy to operate a commercial motor vehicle, a 1995 Chevy, bearing Kansas registration [REDACTED], with a gvwr of 12,000 lbs, and pulling a 2002 pace trailer with a gvwr of 10,000 lbs in intrastate commerce, in Shawnee County, Kansas. The carrier failed to maintain a driver qualification file on Shawn Peavy. This is a violation of 49 C.F.R. 391.51(b) as adopted by K.S.A. 66-1,129 and K.A.R. 82-4-3.

Count # 3

On 08/25/06 driver Joseph Hughes operated a 1995 Chevy one ton with a gvwr of 12,000 bearing Kansas registration number [REDACTED] and pulling a 2002 Pace trailer with a gvwr of 10,000 lbs, bearing Kansas registration [REDACTED] in intrastate commerce in Shawnee County, Kansas. Driver Joseph Hughes failed to prepare driver vehicle inspection report. This is a violation of 49 C.F.R. 396.11(a) as adopted by K.S.A. 66-1,129 and K.A.R. 82-4-3.


Count # 4

On 08/25/06 driver Austin Desch operated a 1995 Freightliner bearing Kansas registration [REDACTED] on US Hwy 24, milepost 376.1 in intrastate commerce, and using this commercial motor vehicle not periodically inspected in accordance with the minimum standards. This is a violation of 49 C.F.R. 396.17(c) as adopted by K.S.A. 66-1,129 K.A.R. 82-4-3.



David Ollenberger, Special Investigator
Kansas Corporation Commission

KANSAS CORPORATION COMMISSION

	US DOT # 1166909	Legal: CHAD WENDE Operating (DBA): LANDMARK LANDSCAPE LLC
	MC/MX #: State #: 0000000 Federal Tax ID: [REDACTED] (EIN)	
Review Type: Compliance Review (CR) - Receipt		
Scope: Principal Office	Location of Review/Audit: Company facility in the U. S. Territory: E	
Operation Types Interstate Intrastate		
Carrier: N/A Non-HM	Business: Corporation	
Shipper: N/A N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2005	
Cargo Tank: N/A		
Company Physical Address: [REDACTED] [REDACTED]		
Contact Name: Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED] E-Mail Address: [REDACTED]		
Company Mailing Address: PO Box 751131 TOPEKA, KS 66675		
Report Summary		
Report		# of Pages
Part A - General		2
Part B - Violations		2
Part B - Recommendations		1
Review/Audit Receipt Page		1
Total Pages		6
<div style="border: 1px solid black; padding: 5px;">Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.</div>		
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 1500 SW Arrowhead Road, Topeka, KS 66604-4027 785-271-3151		
This report will be used to assess your safety compliance.		
Person(s) Interviewed		
Name: Chad Wende	Title: President	
Name:	Title:	
Reported By: <i>David Allenberger</i>	Title: <i>SI</i>	Code: KS8202 Date: 10/10/2006
Received By: <i>[Signature]</i>	Title: <i>President</i>	



KANSAS CORPORATION COMMISSION


 US DOT #
1166909

 Legal: CHAD WENDE
Operating (DBA): LANDMARK LANDSCAPE LLC

MC/MX #: State #: 0000000 Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office

Location of Review/Audit: Company facility in the U. S.

Territory: E

Operation Types Interstate Intrastate

Carrier: N/A Non-HM

Shipper: N/A N/A

Cargo Tank: N/A

Business: Corporation

Gross Revenue: [REDACTED] for year ending: 12/31/2005

Company Physical Address:

[REDACTED]

[REDACTED]

Contact Name:

Phone numbers: (1) [REDACTED] (2)

Fax

E-Mail Address:

Company Mailing Address:

 PO Box 751131
TOPEKA, KS 66675

Carrier Classification

Private Property

Cargo Classification

Building Materials

Construction

Other: landscaping products

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra
< 100 Miles:	0	7
>= 100 Miles:	0	0

Average trip leased drivers/month: 0

Total Drivers: 7

CDL Drivers: 0

Equipment

	Owned	Term Leased	Trip Leased
Truck	7	0	0
Trailer	8	0	0

	Owned	Term Leased	Trip Leased
Truck	7	0	0
Trailer	8	0	0

Power units used in the U.S.: 7

Percentage of time used in the U.S.: 100





LANDMARK LANDSCAPE LLC (CHAD WENDE dba)

U.S. DOT #: 1166909

State #: 0000000

Review Date:

10/10/2006

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
1500 SW Arrowhead Road, Topeka, KS 66604-4027
785-271-3151

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Chad Wendé

Title: President

Name:

Title:

Reported By: *David Allenberger* Title: *SI* Code: KS6202 Date: 10/10/2006Received By: *[Signature]* Title: *President*



LANDMARK LANDSCAPE LLC (CHAD WENDE dba)

U.S. DOT #: 1166909

State #: 0000000

Review Date:

10/10/2006

Part B Violations

1 STATE	Primary: 382.103(b) CFR Equivalent: 382.103(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to implement a random program that includes more than the driver/employer in the random testing selection pool. Example For the year of 2006 the carrier does not have a random program in place. Carrier operated a CDL vehicle on 08/25/06 with a gvw of 33,000 lbs without having a random alcohol and controlled substance testing program in place. The driver was Austin D Desch. Invoice number 82					
2 STATE	Primary: 383.23(a) CFR Equivalent: 383.23(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Operating a commercial motor vehicle without a valid commercial driver's license. Example On 08/25/06 driver Austin Desch operated a 1995 freightliner bearing Kansas registration [REDACTED] without a valid commercial drivers license. Invoice number 82					
3 STATE	Primary: 391.51(b) Secondary: 391.51(a) CFR Equivalent: 391.51(b)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to maintain driver qualification file in accordance with 391.51(b). Example Driver Shawn Peavy's driver qualification consist of application for employment and drivers certification of violations. The DQ file was missing previous employment checks, road test, MVR, and current medical certificate. trip date 09/12/06 Invoice # 120					
4 STATE CRITICAL	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 186	Checked 186	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to require driver to prepare driver vehicle inspection report. Example The carrier has no drivers daily inspection reports on file. Vehicle is a 1995 Chevy One ton bearing KS registration [REDACTED] with a gvw of 12,000 and a 2002 Pace american trailer with KS registration [REDACTED] with a gvw of 10,000 lbs. Trip date 09/12/06 Invoice # 130					





LANDMARK LANDSCAPE LLC (CHAD WENDE dba)

U.S. DOT #: 1166909

State #: 0000000

Review Date:

10/10/2006

Part B Violations

5 STATE	Primary: 396.17(c) CFR Equivalent: 396.17(c)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Using a commercial motor vehicle not periodically inspected in accordance with minimum standards. Example Carrier operated a 1995 Freightliner bearing KS registration number [REDACTED] with a gvwr of 33,000 lbs without having completed a annual inspection. Trip date 08/25/06 and 05/11/06 Invoice number 82					
Safety Fitness Rating Information: Total Miles Operated 60,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00			OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 2 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0		
Your proposed safety rating is : SATISFACTORY			Rating Factors		
			Acute	Critical	
Factor 1:			S	0	0
Factor 2:			S	0	0
Factor 3:			S	0	0
Factor 4:			C	0	1
Factor 5:			N	0	0
Factor 6:			S	-	-



**Part B Requirements and/or Recommendations**

1. Driver qualification files must have contain application for employment, a driving record (MVR), Medical certificate, photo copy of a current drivers license, previous employment checks, drivers certification of violations, and a annual review.
2. Do not allow a driver's to drive a commerical motor vehicle unless they have a current medical certificate.
3. Obtain a copy of each driver's driving record and review it annually.
4. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
5. When vehicle or combination of vehicles are greater than 26,001 GVWR, and a CDL license is required to operate such vehicle you must be in a alcohol/controlled substance testing program.
6. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
7. Ensure that every commercial motor vehicle shall be inspected at least once every 12 months according to FMCSA 49CFR Appendix G to Subchapter B.
8. Annual inspections must be preformed on each vehicle. A copy of the inspectors qualification(person doing the inspection) must also be on file.
9. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. I identify each vehicle by year, make, tire size, and serial number.
10. Driver daily inspections reports are required each day the vehicle is operated. The inspection must cover parking (hand) brake, steering mechanism, lighting devices, reflectors, tires, horn, windshield wipers, rear vision mirrors, wheels and rims, and energency equipment.
11. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
12. As a carrier you must make a copy of the roadside inspection, return it to the state that issued it, after all defects have been corrected and keep a copy of it for twelve months.
13. Within the next fifteen days send a letter to the Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604-4027 attention Dale Moore, outlining the corrective actions taken to remedy non-compliance



IN RE: DOCKET NO. **12-TRAM-244-PEN**

DATE **NOV 04 2011**

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
Chad Wende, OWNER D/B/A Landmark Landscape PO Box 751131 Topeka, KS 66675		
AMBER WHITLOCK, ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED **NOV 04 2011**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.