

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner



20250520101321
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
25-TRAM-401-PEN

May 20, 2025

James States, Owner
States Dirtwork LLC
1625 N. Main St.
Rose Hill, Kansas, 67133-9313

This is a notice of a penalty assessment against States Dirtwork LLC (“States Dirtwork”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 26, 2025, by Kansas Corporation Commission Special Investigators. The Special Investigator identified seven (7) violations of the Motor Carrier Safety regulations. Penalties for the violations are assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. States Dirtwork has been assessed a \$1,150.00 penalty. For a full description of the penalties and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,150.00 through your personal account with the Kansas Corporation Commission’s Kansas Trucking Regulatory Assistance Network (“KTRAN”) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order also requires a representative of States Dirtwork:

- a. To attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission’s website http://www.kcc.state.ks.us/trans/safety_meetings.htm.
- b. To submit a written, comprehensive Corrective Action Plan (“CAP”) to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier’s efforts and concrete steps taken to ensure the violations do not occur in the future.
- c. To submit to one follow-up safety compliance review within eighteen (18) months from the date of this Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for a hearing must be made in writing, and within fifteen (15) days from the date of service of this Order, setting forth the specific grounds upon which relief is sought. You may request a hearing through the Commission’s electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and you must also mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an

original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,150.00 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
Ahsan.Latif@ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of **States**)
Dirtwork LLC of Rose Hill, Kansas. Regarding)
the Violation(s) of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 25-TRAM-401-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"). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112g and 66-1,115, the Commission is given full power, authority, and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 66-129a, 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 issue an order on the Commission’s own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

4. States Dirtwork LLC (“States Dirtwork” or “Carrier”) is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 3127653.

5. The Commission finds it has jurisdiction over States Dirtwork pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

6. On March 26, 2025, a Commission Transportation Staff (“Transportation Staff” or “Staff”) Special Investigator (“SI”) completed a safety compliance investigation of States Dirtwork. As a result of the compliance investigation, the SIs identified seven (7) violations, set forth in three (3) counts of the Motor Carrier Safety Regulations (“MCSRs”), which carry a penalty set forth in the FY2025 Uniform Penalty Assessment Matrix.¹

7. On May 12, 2025, Transportation Staff submitted its Report and Recommendation (“R&R”), attached hereto as “Attachment A” and hereby incorporated by reference herein, recommending a penalty of \$1,150.00 to be issued to States Dirtwork based on the frequency, timeline, and severity of the violations discovered.

8. Specifically, pursuant to Staff’s R&R, the Commission finds that States Dirtwork committed seven (7) violations of the following three (3) counts, discussed more fully in Staff’s R&R:²

¹ Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10 – 24 (Jun. 27, 2024) (“Penalty Matrix”).

² See Staff’s Report and Recommendation, Transportation Division (May 12, 2025).

- a. Count 1: On December 2, 2024, States Dirtwork required or permitted its driver, James States, to operate a commercial motor vehicle (a 2003 Peterbilt 379, VIN ending in 1244, GVWR 66,000 lbs.) in Kansas on a public road (Rose Hill, Kansas to Alva, Oklahoma) without requiring its driver to prepare a record of duty status. James States did not prepare a record of duty status for transports on December 2, 14 and 30, 2024, resulting in three (3) violations of 49 C.F.R. 395.8, as adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of a penalty of \$250.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- b. Count 2: On December 2, 2024, States Dirtwork required or permitted its driver, James States, to operate a commercial motor vehicle (a 2003 Peterbilt 379, VIN ending in 1244, GVWR 66,000 lbs.) in Kansas on a public road (Rose Hill, Kansas to Alva, Oklahoma) without first conducting an annual query into its driver in the Federal Drug and Alcohol Clearinghouse (DACH), resulting in one (1) violation of 49 C.F.R. 382.701(b), as adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$150.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- c. Count 3: On December 2, 2024, States Dirtwork required or permitted its driver, James States, to operate a commercial motor vehicle (a 2003 Peterbilt 379, VIN ending in 1244, GVWR 66,000 lbs.) in Kansas on a public road (Rose Hill, Kansas to Alva, Oklahoma) without maintaining minimum records of inspection and vehicle maintenance on the commercial motor vehicle involved in this transport. States Dirtwork was unable to provide required records for the three commercial motor vehicles it operated, resulting in three (3) violations of 49 C.F.R. 396.3(b)(2),

adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$750.00 is appropriate and in accordance with the FY2025 Penalty Matrix.

9. The Commission hereby adopts Staff's May 12, 2025, R&R as additional findings.

10. The Commission finds that States Dirtwork is required to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order.³ A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. The Commission further finds that States Dirtwork is required to submit a written, comprehensive Corrective Action Plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.⁴

12. The Commission further finds that States Dirtwork is required to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.⁵

13. Failure to comply with the requirements of this Penalty Order shall result in the suspension of States Dirtwork's motor carrier operating authority without further notice.⁶

³ See Id., p. 4.

⁴ See Id.

⁵ See Id.

⁶ K.S.A. 66-1,105.

14. The Commission concludes the penalty of \$1,150.00 for the seven (7) violations set forth above, and the additional three requirements set forth in paragraphs 10, 11, and 12 are just and reasonable.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. States Dirtwork is hereby assessed a \$1,150.00 civil penalty for seven (7) violations, set forth in three (3) counts, 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. States Dirtwork is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days of the date of this Order.

C. States Dirtwork is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

D. States Dirtwork is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not

have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of States Dirtwork's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500.00, 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.⁷ For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.⁸

G. If you do not request a hearing, the payment of the civil penalty of \$1,150.00 is due thirty (30) days from the date of service of this Order. Payment of \$1,150.00 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network ("KTRAN") system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure of States Dirtwork to perform, pay, or fully comply with the provisions of this Order, including but not limited to Ordering Clauses A through D, above, will result in suspension of States Dirtwork's motor carrier operating authority without further notice.⁹ Additionally, the Commission may impose further sanctions to include, but not limited to, the

⁷ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

⁸ K.S.A. 66-1,142b(e) and amendments thereto.

⁹ K.S.A. 66-1,105.

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

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 05/20/2025



Celeste Chaney-Tucker
Executive Director

AAL

ATTACHMENT “A”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Jared Smith, Deputy Director of Transportation

DATE: May 12, 2025

SUBJECT: Docket No. 25-TRAM-401-PEN
In the Matter of the Investigation of **States Dirtwork LLC of Rose Hill, Kansas**
Regarding the Violation of the Motor Carrier Rules and Regulations and the
Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of
Motor Carrier Authority

EXECUTIVE SUMMARY:

State Dirtwork LLC is a motor carrier (MC) possessing private operating authority from the Commission, primarily hauling building materials, construction, machinery, large objects. State Dirtwork LLC operates under USDOT 3127653. On March 26, 2025, a Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of State Dirtwork LLC. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified seven (7) violations, set forth in three (3) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2025 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, Staff recommends a penalty of \$1,150.00 be issued to the MC.

DISCUSSION AND ANALYSIS:

On March 26, 2025, a Commission Staff SI conducted a safety compliance investigation of the operations of State Dirtwork LLC. The investigation covers a 365-day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 3)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 395.8 states: “Except for a private motor carrier of passengers (nonbusiness), as defined in § 390.5 of this subchapter, a motor carrier subject to the requirements of this part must require each driver used by the motor carrier to record the driver's duty status for each 24-hour period using the method prescribed in paragraphs (a)(1)(i) through (iii) of this section, as applicable.”

Material Facts and Supporting Documents: On December 2, 2024, States Dirtwork LLC required or permitted its driver, James States, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2003 Peterbilt 379, VIN ending in 1244, GVWR 66,000 lbs., in interstate commerce from Rose Hill, Kansas to Alva, Oklahoma. This transport is evidenced by a States Dirtwork LLC invoice to Harbinger Concrete, dated December 3, 2024. The invoice is attached hereto as **Exhibit 2**. A Facebook post from States Dirtwork LLC, dated December 2, 2024, stating the company was excavating ground in Alva, Oklahoma, is attached hereto as **Exhibit 3**. At the time of this transport, the MC failed to require driver James State to prepare a record of duty status. James States did not prepare a record of duty status for transports conducted on December 2, 14 and 30, 2024.

Violation: States Dirtwork LLC failed to require its drivers to prepare a record of duty status when required, which is a violation of 49 C.F.R. 395.8, as adopted by K.A.R. 82-4-3a (**Exhibit 1, Page 4**). Three (3) violations were discovered (**Exhibit 1, Page 10**).

Recommendation: Staff recommends an enhanced penalty of \$250. In accordance with the FY2025 Penalty Matrix.

Count Two (2 of 3)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 382.701 (b) states: Employers must conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under this part to determine whether information exists in the Clearinghouse about those employees.”

Material Facts and Supporting Documents: This violation took place during the transport on December 2, 2024, described in Count one, above. A copy of the MC's Federal Drug and Alcohol Clearinghouse (DACH) report is attached hereto as **Exhibit 4**. The report states that the only annual query performed was conducted on March 26, 2025. At the time of this transport, the MC operated in interstate commerce without conducting an annual query in the Federal DACH.

Violation: States Dirtwork LLC failed to conduct an annual query on its driver in the Federal DACH, which is a violation of 49 C.F.R. 382.701(b), as adopted by K.A.R. 82-4-3c. (**Exhibit 1, Pages 3 & 4**). One (1) violation discovered. (**Exhibit 1, Page 10**).

Recommendation: Staff recommends a fine of \$150, in accordance with the FY2025 Penalty Matrix.

Count Three (3 of 3)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 396.3 (b)(2): “Motor carriers, except for a private motor carrier of passengers (nonbusiness), must maintain, or cause to be maintained, records for each motor vehicle they control for 30 consecutive days. Intermodal equipment providers must maintain or

cause to be maintained, records for each unit of intermodal equipment they tender or intend to tender to a motor carrier. These records must include:

- (1) An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;
- (2) A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;”

Material Facts and Supporting Documents: This violation took place during the transport on December 2, 2024, described in Count One, above. At the time of this transport, the MC failed to maintain a record of inspection, repairs and maintenance, including their date and nature, for the commercial motor vehicles operated. The MC operates the following CMVs: 2003 Peterbilt 370, 2022 Neville Drop Deck trailer, 2006 Hilbilt End Dump trailer, resulting in three (3) total violations.

Violation: States Dirtwork LLC operated a CMV without having records of repairs and maintenance on commercial motor vehicles operated, which is a violation of 49 C.F.R. 396.3(b)(2), as adopted by K.A.R. 82-4-3j (**Exhibit 1, Page 4**). Three (3) violations were discovered (**Exhibit 1, Page 10**).

Recommendation: Staff recommends an enhanced penalty of \$750. In accordance with the FY2025 Penalty Matrix.

RECOMMENDATION:

Transportation Staff recommends the Commission find State Dirtwork LLC committed seven (7) violations, set forth in three (3) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$1,150.00 for seven (7) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.


Staff further recommends State Dirtwork LLC require a representative responsible for the company’s safety to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission’s website at http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends State Dirtwork LLC submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier’s efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

Finally, Staff recommends that State Dirtwork LLC submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 3127653 MC/MX#: 0	Legal: STATES DIRTWORK LLC Operating (DBA):	Investigation Date: 05/05/2025		
Investigation Type: Onsite Comprehensive Investigation		Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation			
Physical Address		Mailing Address			
1625 N MAIN ST ROSE HILL, KS 67133-9313 United States		1625 N MAIN ST ROSE HILL, KS 67133-9313 United States			
Contact Information					
Contact Name: JAMES BRANDON STATES Email: Phone: (316)302-7202 Cell: ()- Fax: ()-					
Business and Financial					
Business Type: Limited Liability Corporation Name of Gross Revenue Provider: Jimmy States Title of Gross Revenue Provider: Owner Gross Revenue: For Year Ending: 12/31/2024 Federal Tax ID:					
Operation Classification and Type			Cargo		
Type of Operation: Non-HM Intrastate Carrier Operation Classification For-Hire Motor Carrier Property Other Non-Hazardous Freight Private Motor Carrier Property – Non-Hazardous Materials			Building Materials, Construction, Machinery, Large Objects		
Equipment			Driver Information		
	Owned	Term Leased	Trip Leased	Drivers	
Truck Tractors	1				Intrastate Interstate
Trailers	2			< 100 Miles	1
				> = 100 Miles	
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100%				Average trip leased driver/month: 0 Drivers with CDL: 1 Total Drivers: 1	
Person(s) Interviewed					
Name: JAMES BRANDON STATES				Title: OWNER	

Questions

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:	1303 SW FIRST AMERICAN PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378
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This report will be used to assess your safety compliance.

Violations

<div>1. Primary: 395.8(a)(1)</div> <div>Failing to require a driver to prepare a record of duty status using the appropriate method.</div> <div><div>C</div><div>Critical</div><div>At least 10% of the number checked had violations</div></div>	<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>3</td><td></td><td>3</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>30</td><td></td><td>30</td></tr></table>	Fed	State	Total	3		3	Fed	State	Total	30		30	<div>BASIC Impacted Hours-of-Service Compliance</div>	<div>Rating Factor 3: Operational = Part 395</div>
Fed	State	Total													
3		3													
Fed	State	Total													
30		30													
<div>Example/Notes:</div> <div>Number Checked - 30</div> <div>Number Discovered - 3</div> <div>On 12/2/2024, James States operated in interstate commerce. Going from Rose Hill, KS to Alva, KS. He did this on three seperate occasion during this month. No RODS were discovered for this month, only invoices and Facebook posts stating States Dirtwork LLC was working on projects in Alva, OK during these trips.</div>		<div>Drivers/Vehicles in Violation</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>		Fed	State	Total	1		1	Fed	State	Total	1		1
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<div>2. Primary: 382.701 (b)(1)</div> <div>Failing to conduct an annual query.</div>		<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>		Fed	State	Total	1		1	Fed	State	Total	1		1
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<div>Example/Notes:</div> <div>Driver: James States</div> <div>Trip Date: 12/2/2024</div> <div>Description: On 12/15/2024, States Dirtwork LLC allowed or required driver, James States, to operate a CMV without having an annual query conducted on him the Drug & Alcohol Clearinghouse.</div>		<div>Drivers/Vehicles in Violation</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>		Fed	State	Total	1		1	Fed	State	Total	1		1
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<div>3. Primary: 390.19T(a)(1)</div> <div>Failing to file a Motor Carrier Identification Report, Form MCS-150 (Motor Carrier)</div>		<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>		Fed	State	Total	1		1	Fed	State	Total	1		1
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1		1													
<div>Example/Notes:</div>		<div>Drivers/Vehicles in Violation</div>													

Trip date 12/2/2024

Drivers name James States

On 12/2/2024, James States was operating in interstate commerce. Going from Rose Hill, KS to Alva, OK. He failed to update his MCS-150, which states the motor carrier is an intrastate only motor carrier.

Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

4. Primary: 391.25(b)

Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

Violations Discovered		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

Example/Notes:

Driver name, James States

Trip date. 12/2/2024

Description of violation: On 12/2/2024, States Dirtwork LLC allowed or required it's driver, James States, to operate a CMV while not having an annual review conducted on him for the most recent year.

Drivers/Vehicles in Violation		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

5. Primary: 396.3(b)(2)

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Violations Discovered		
Fed	State	Total
3		3
Checked		
Fed	State	Total
3		3

Example/Notes:

Company number (or license number) of or brief statement of number of vehicles for which the required record is not kept.

On 12/2/2024, States Dirtwork LLC required or allowed driver, James States, to operate 2003 Peterbilt, VIN 1244, Plate [REDACTED], a 2022 Neville trailer, VIN 5648, Plate [REDACTED], and 2006 Hilbilt, VIN 5025, Plate [REDACTED] with failing to keep a record of inspection, repairs and maintenance indicating their date and nature.

Drivers/Vehicles in Violation		
Fed	State	Total
3		3
Checked		
Fed	State	Total
3		3

Safety Fitness Rating

This Investigation is Not Rated

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

States Dirtwork LLC will ensure that an annual review is conducted on drivers employed by the motor carrier.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Review and retain each driver’s Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver’s driver qualification file after review.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

States Dirtwork LLC will ensure that all fleet vehicles and trailers have the inspection, repair and overall maintenance records for each vehicle.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Roles and Responsibilities

States Dirtwork LLC will ensure that the consortium conducts annual queries on any drivers employed by the motor carrier.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:

1. 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.

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

States Dirtwork LLC will ensure HOS records are recorded for trips conducted.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.

Recommendations

1. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

2. **Obtain copies of the regulations, forms, interpretations, manuals.**

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

3. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

4. **Clearinghouse Annual Query**

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

5. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

6. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

7. **Establish a maintenance records program for all vehicles.**

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.

8. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

9. **Serious Violations**

This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.

10. **CAP to Commission**

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all 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 reoccurrence 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. Submit the letter along with copies of your supporting evidence to:

Email: jared.l.smith@ks.gov

FAX: 785-721-3124

or mail:

Kansas Corporation Commission

Attn: Jared Smith

11. **Acknowledgment Signature**

I acknowledge that these 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 States Dirtwork LLC operating authority and/or the impoundment of States Dirtwork LLC commercial motor vehicles.

Carrier Representative

Date

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
395.8(a)(1) - Failing to require a driver to prepare a RODS using the appropriate method			
1	12/02/2024	James States-Failing to require a driver to prepare a record of duty status using the appropriate method.	
2	12/14/2024	James States-Failing to require a driver to prepare a record of duty status using the appropriate method.	
3	12/30/2024	James States-Failing to require a driver to prepare a record of duty status using the appropriate method.	
382.701 (b)(1) - Failing to conduct an annual query.			
1	12/02/2024	Driver: James States- Failing to conduct an annual query.	
396.3(b)(2) - Failing to have a means of indicating maintenance due dates			
1	12/02/2024	Equipment: James States- 2003 Peterbilt 379, VIN 1244, Plate [REDACTED]	
2	12/02/2024	Equipment: James States- 2022 Neville Drop Deck Trailer, VIN 5648, Plate [REDACTED]	
3	12/02/2024	Equipment: James States- 2006 Hilbilt End Dump Trailer, VIN 5025, Plate [REDACTED]	

EXHIBIT 2

States Dirtwork LLC

1625 N MAIN ST
ROSE HILL, KS 67133
(316) 302-7202
dirtworker@att.net



INVOICE

BILL TO
Harbinger Concrete
1520 E. Douglas, Suite #210
Wichita, KS 67214

INVOICE 1329
DATE 12/03/2024
TERMS Net 30
DUE DATE 01/02/2025

P.O. NUMBER
24059

DATE	DESCRIPTION	QTY	RATE	AMOUNT
	Drive there and back	276	5.00	1,380.00
	Per Deim	2	180.00	360.00
	Dig footings	20	125.00	2,500.00
			PAYMENT	4,240.00
			BALANCE DUE	\$0.00
				PAID

States Dirtwork LLC
1625 N MAIN ST
ROSE HILL, KS 67133
(316) 302-7202
dirtworker@att.net



INVOICE

BILL TO
Harbinger Concrete
1520 E. Douglas, Suite #210
Wichita, KS 67214

INVOICE 1336
DATE 12/15/2024
TERMS Net 30
DUE DATE 01/14/2025

P.O. NUMBER
24059

DATE	DESCRIPTION	QTY	RATE	AMOUNT
	Mobilization	276	5.00	1,380.00
	Per Deim	3	180.00	540.00
	Dig footings	20	125.00	2,500.00
PAYMENT				4,420.00
BALANCE DUE				\$0.00
				PAID

States Dirtwork LLC

1625 N MAIN ST
ROSE HILL, KS 67133
(316) 302-7202
dirtworker@att.net



INVOICE

BILL TO
Harbinger Concrete
1520 E. Douglas, Suite #210
Wichita, KS 67214

INVOICE 1342
DATE 12/31/2024
TERMS Net 30
DUE DATE 01/30/2025

P.O. NUMBER
24059

DATE	DESCRIPTION	QTY	RATE	AMOUNT
	Drive there and back	276	5.00	1,380.00
	Per Deim	1	180.00	180.00
	Dig footings	15	125.00	1,875.00

PAYMENT 3,435.00

BALANCE DUE \$0.00
PAID

EXHIBIT 3



States Dirtwork LLC

December 2, 2024 · 🌐



Back in alva oklahoma. Digging footings



EXHIBIT 4

Report Compliance - DRIVER CHECK (ANNUAL QUERIES CONDUCTED)

STATES DIRTWORK LLC (USDOT# 3127653)

Address:1625 N MAIN ST; ROSE HILL, KS 67133-9313; US

As of:5/5/2025 15:03

Report Generated on : 05/05/2025 03:03

Name	Country	CDL	Most Recent Query	Submitted On
JAMES STATES	United States		Limited	3/26/2025

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Consent Received	Result
General Consent Obtained outside Clearinghouse	Driver Not Prohibited

CERTIFICATE OF SERVICE

25-TRAM-401-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 05/20/2025.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

James States, OWNER
States Dirtwork LLC
1625 N Main St
Rose Hill, KS 67133
dirtworker@att.net

/S/ KCC Docket Room
KCC Docket Room