

**NOTICE OF PENALTY ASSESSMENT**  
25-TRAM-299-PEN

February 13, 2025

Scotty Landers, Member  
B&H Landworks, LLC  
995 Southwest 120<sup>th</sup> Street  
Augusta, Kansas 67010-2428

This is a notice of a penalty assessment against B&H Landworks, LLC (“B&H Landworks”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 27, 2025, by a Kansas Corporation Commission Special Investigator. The Special Investigator identified ten (10) 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. B&H Landworks has been assessed a \$850.00 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 \$850.00 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 B&H Landworks:

- a. To attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order. 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](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.<sup>1</sup>

***IF YOU FAIL TO ACT:*** Failure to pay the penalty of \$850.00 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/ Madisen K. Hane*  
Madisen K. Hane  
Litigation Counsel  
(785) 271-3288  
[Madisen.Hane@ks.gov](mailto:Madisen.Hane@ks.gov)

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<sup>1</sup> 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 **B&H**     )  
**Landworks, LLC of Augusta, Kansas**     )  
Regarding the Violation(s) of the Motor Carrier     )  
Safety Statutes, Rules and Regulations and the     ) Docket No. 25-TRAM-299-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, 66-1,112 and 66-1,114b, 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. B&H Landworks, LLC (“B&H Landworks” or “Carrier”) is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 3890201.

5. The Commission finds it has jurisdiction over B&H Landworks 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 January 27, 2025, a Commission Transportation Staff (“Transportation Staff” or “Staff”) Special Investigator (“SI”) completed a safety compliance investigation of B&H Landworks. As a result of the compliance investigation, the SI identified ten (10) violations, set forth in four (4) counts of the Motor Carrier Safety Regulations (“MCSRs”), which carry a penalty set forth in the FY2025 Uniform Penalty Assessment Matrix.<sup>1</sup>

7. On January 28, 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 \$850.00 to be issued to B&H Landworks based on the frequency, timeline, and severity of the violations discovered.

8. Specifically, pursuant to Staff’s R&R, the Commission finds that B&H Landworks committed ten (10) violations of the following four (4) counts, discussed more fully in Staff’s R&R:<sup>2</sup>

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<sup>1</sup> 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”).

<sup>2</sup> See Staff’s Report and Recommendation, Transportation Division (Jan. 28, 2025).

- a. Count 1: On November 21, 2024, B&H Landworks required or permitted its driver, Todd Landers, to operate a commercial driver's license required commercial motor vehicle (a 1992 Freightliner, VIN ending in 8602, GVWR 85,000 lbs.) in Kansas on a public road (intrastate commerce from Florence, Kansas, to Burns, Kansas) without providing evidence of having attended the required training prior to this transport, which resulted in one (1) violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$100.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- b. Count 2: On November 21, 2024, and again on December 3, 2024, B&H Landworks required or permitted its driver, Todd Landers, to operate a commercial driver's license required commercial motor vehicle (a 1992 Freightliner, VIN ending in 8602, GVWR 85,000 lbs.) in Kansas on a public road (intrastate commerce from Florence, Kansas, to Burns, Kansas) without first conducting an annual inquiry into the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse. B&H Landworks failed to conduct annual inquiries into drivers Todd Landers and Justin Jones, which resulted in two (2) violations of 49 C.F.R. 382.701(b), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$250.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- c. Count 3: On November 21, 2024, and again on December 3, 2024, B&H Landworks required or permitted its driver, Todd Landers, to operate a commercial driver's license required commercial motor vehicle (a 1992 Freightliner, VIN ending in 8602, GVWR 85,000 lbs.) in Kansas on a public road (intrastate commerce from

Florence, Kansas, to Burns, Kansas) without first maintaining a copy of the motor vehicle record or response from each State agency in the driver qualification file. B&H Landworks failed to provide the SI a copy of the motor vehicle records for drivers Todd Landers and Justin Jones, which resulted in two (2) violations of 49 C.F.R. 391.25(c)(1), adopted by K.A.R. 82-4-3g. The Commission finds that Staff's recommendation of a penalty of \$250.00 is appropriate and in accordance with the FY2025 Penalty Matrix.

- d. Count 4: On November 14, 20, 21, 22, 2024, and on December 3, 2024, B&H Landworks required or permitted its driver, Todd Landers, to operate a commercial driver's license required commercial motor vehicle (a 1992 Freightliner, VIN ending in 8602, GVWR 85,000 lbs.) in Kansas on a public road (intrastate commerce from Florence, Kansas, to Burns, Kansas) without first requiring its driver to prepare a record of duty status. As outlined in Staff's R&R, Todd Landers failed to prepare a record of duty status on five transports, which resulted in five (5) violations of 49 C.F.R. 395.8(a)(1), 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.

9. The Commission hereby adopts Staff's findings as contained in its January 28, 2025, R&R.

10. The Commission finds that B&H Landworks 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.<sup>3</sup> A schedule of the dates and locations for safety

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<sup>3</sup> See Id., p. 4.

seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

11. The Commission further finds that B&H Landworks 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.<sup>4</sup>

12. The Commission further finds that B&H Landworks 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.<sup>5</sup>

13. Failure to comply with the requirements of this Penalty Order shall result in suspension of B&H Landworks' motor carrier operating authority without further notice.<sup>6</sup>

14. The Commission concludes the penalty of \$850.00 for the ten 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. B&H Landworks is hereby assessed a \$850.00 civil penalty for ten (10) violations, set forth in four (4) 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.

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<sup>4</sup> See Id.

<sup>5</sup> See Id.

<sup>6</sup> K.S.A. 66-1,105.

B. B&H Landworks is hereby ordered 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.

C. B&H Landworks 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. B&H Landworks 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 Acting Secretary to the Commission 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 B&H Landworks' 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.<sup>7</sup> For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>8</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$850.00 is due in thirty (30) days from the date of service of this Order. Payment of \$850.00 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 B&H Landworks 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 B&H Landworks' motor carrier operating authority without further notice.<sup>9</sup> Additionally, the Commission may impose further sanctions to include, but not limited to, the 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: 02/13/2025



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Abigail D. Emery  
Acting Secretary to the Commission

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

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

<sup>9</sup> K.S.A. 66-1,105.

# **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:** January 28, 2025

**SUBJECT: Docket No. 25-TRAM-299-PEN**  
In the Matter of the Investigation of **B&H Landworks, LLC of Augusta, 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:**

B&H Landworks, LLC (“B&H Landworks”) is a motor carrier (“MC”) possessing public for-hire operating authority from the Commission, primarily hauling dirt, rock, and aggregate. B&H Landworks LLC operates under USDOT 3890201.

On January 27, 2025, a Commission Staff Special Investigator (“SI”) completed a safety compliance investigation of the operations of B&H Landworks, 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 ten (10) violations, set forth in four (4) specific counts, of the Motor Carrier Safety Regulations (“MCSRs”), which carries 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 \$850.00 be issued to the MC.

**DISCUSSION AND ANALYSIS:**

On January 27, 2025, a Commission Staff SI conducted a safety compliance investigation of the operations of B&H Landworks. The investigation covers a 365-day period and any previous compliance review. Each specific count is detailed below.

**Count One: (1 of 4)**

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

**Relevant Statutes:** 49 C.F.R 382.603 states: "Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under § 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required."

**Material Facts and Supporting Documentation:** On November 21, 2024, B&H Landworks required or permitted its driver, Todd Landers, to operate a commercial driver's license ("CDL") required commercial motor vehicle ("CMV"), a 1992 Freightliner, VIN ending in 8602, GVWR 85,000 lbs., in intrastate commerce from Florence, Kansas to Burns, Kansas. This transport is evidenced by a load ticket # 762136 and 762157, attached hereto as **Exhibit 2**. The MC did not provide evidence of having attended the required training prior to this transport.

**Violation:** B&H Landworks failed to provide evidence of having attended the required training (**Exhibit 1, Page 3**). This is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c. One (1) violation was discovered (**Exhibit 1, Page 9**).

**Recommendation:** Staff recommends a fine of \$100.00 in accordance with the FY2025 Penalty Matrix.

### **Count Two: (2 of 4)**

**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."

**Supporting Documentation:** This violation took place during the transport on November 11, 2024, described in Count One, above. A copy of the MCs FMCSA Drug and Alcohol Clearinghouse ("DACH") report is attached hereto as **Exhibit 3**. The report does not state an annual inquiry into driver Todd Landers or Justin Jones was completed.

**Violation:** B&H Landwork failed to conduct an annual inquiry in the DACH for its drivers, which is a violation of 49 C.F.R 382.701 (b), adopted by K.A.R 82-4-3c (**Exhibit 1, Page 3**). Two (2) violations were discovered (**Exhibit 1, Page 9**).

**Recommendation:** Staff recommends a fine of \$250.00 in accordance with the FY 2025 Penalty Matrix.

### **Count Three: (3 of 4)**

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

**Relevant Statutes:** 49 C.F.R 391.25 states: "Except as provided in subpart G of this part, each motor carrier shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to each driver's licensing authority where the driver held a commercial motor vehicle operator's license or permit during the time period. "

**Material Facts and Supporting Documentation:** This violation took place during the transport on November 11, 2024, described in Count One, above. The MC failed to have a motor vehicle record (“MVR”) on file for drivers Todd Landers or Justin Jones prior to December 9, 2024.

**Violation:** B&H Landworks failed to maintain a copy of the MVR or response from each State agency in the driver qualification file, which is a violation of 49 C.F.R 391.25(c)(1), adopted by K.A.R 82-4-3g (**Exhibit 1, Pages 3 to 4**). Two (2) violations discovered (**Exhibit 1, Page 9**).

**Recommendation:** Staff recommends a fine of \$250.00 in accordance with the FY2025 Penalty Matrix.

#### **Count Four: (4 of 4)**

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

**Relevant Statutes:** 49 C.F.R 395.8 (a) states: "Except for a private motor carrier of passengers (nonbusiness), as defined in § 390.5 of this sub chapter, 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 Documentation:** This violation took place during the transport on November 11, 2024, described in Count One, above. At the time of this transport the MC failed to require its driver, Todd Landers, to prepare a record of duty status as required by 395.8. Todd Landers failed to prepare a record of duty status on November 14, 20, 21, 22, 2024 and December 3, 2024.

**Violation:** B&H Landworks failed to require its driver to prepare a record of duty status as required, which is a violation of 49 C.F.R 395.8 (a)(1), adopted by K.A.R 82-4-3a (**Exhibit 1, Page 4**). Five (5) violations discovered (**Exhibit 1, Page 9**).

**Recommendation:** Staff recommends a fine of \$250.00 in accordance with the FY 2025 Penalty Matrix.

#### **RECOMMENDATION:**

Transportation Staff recommends the Commission find B&H Landworks, LLC committed ten (10) violations, set forth as four (4) 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 \$850.00 for ten (10) 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 B&H Landworks, 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. 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](http://kcc.ks.gov/trans/safety_meetings.htm).

Staff further recommends B&H Landworks, 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 B&H Landworks, 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#:** 3890201  
**MC/MX#:** 0

**Legal:** B&H LANDWORKS LLC  
**Operating (DBA):**

**Investigation Date:**  
01/27/2025

**Investigation Type:** Onsite Comprehensive Investigation

**Location of Investigation:** Company principal place of business (PPOB)

**Extent of Operations:** Entire Operation

**Physical Address**

995 SW 120TH  
AUGUSTA, KS 67010-2428  
United States

**Mailing Address**

995 SW 120TH  
AUGUSTA, KS 67010-2428  
United States

**Contact Information**

**Contact Name:** SCOTTY JOE LANDERS  
**Email:** BHLANDWORKSLLC@GMAIL.COM  
**Phone:** (316)323-0829    **Cell:** (316)214-2541    **Fax:** ( )-

**Business and Financial**

**Business Type:** Limited Liability Corporation  
**Name of Gross Revenue Provider:** Scotty Landers  
**Title of Gross Revenue Provider:** Member  
**Gross Revenue:** ██████████    **For Year Ending:** 12/31/2023  
**Federal Tax ID:** ██████████

**Operation Classification and Type**

**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

**Cargo**

Other (Dirt, Rock, Aggregate)

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors	3		
Trailers	5		

**Driver Information**

**Power units used in the U.S.:** 3  
**Percentage of time used in the U.S.:** 100%

Drivers	Intrastate	Interstate
< 100 Miles	2	
>= 100 Miles		

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 2  
**Total Drivers:** 2

**Person(s) Interviewed**

**Name:** SCOTTY JOE LANDERS    **Title:** MEMBER



**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

## 1. Primary: 382.603

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

### Example/Notes:

On 11/21/2024 B&H Landworks LLC had driver Todd Landers operate a CDL required vehicle in intrastate commerce. Todd Landers operated a Dump Truck (Unit #3, 1992 Freightliner FLD120) in commerce from Florence Kansas to Burns Kansas loaded with aggregate. This trip is evidenced by a load ticket. At the time of this trip, carrier failed to get supervisor the "reasonable suspicion" 60 minute training.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Drivers/Vehicles in Violation

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

## 2. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

### Example/Notes:

On 11/21/2024 B&H Landworks LLC had driver Todd Landers operate a CDL required vehicle in intrastate commerce. Todd Landers operated a Dump Truck (Unit #3, 1992 Freightliner FLD120) in commerce from Florence Kansas to Burns Kansas loaded with aggregate. This trip is evidenced by a load ticket. At the time of this trip, carrier failed to conduct an annual query on driver.

### Violations Discovered

Fed	State	Total
2		2

### Checked

Fed	State	Total
2		2

### Drivers/Vehicles in Violation

Fed	State	Total
2		2

### Checked

Fed	State	Total
2		2

## 3. Primary: 391.25(c)(1)

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

### Example/Notes:

On 11/21/2024 B&H Landworks LLC had driver Todd Landers operate a CDL required

### Violations Discovered

Fed	State	Total
	2	2

### Checked

Fed	State	Total
	2	2

### Drivers/Vehicles in Violation

Fed	State	Total
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vehicle in intrastate commerce. Todd Landers operated a Dump Truck (Unit #3, 1992 Freightliner FLD120) in commerce from Florence Kansas to Burns Kansas loaded with aggregate. This trip is evidenced by a load ticket. At the time of this trip, carrier failed to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

	2	2
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**Checked**

Fed	State	Total
	2	2

**4. Primary: 395.8(a)(1)**

Failing to require a driver to prepare a record of duty status using the appropriate method.

**Violations Discovered**

Fed	State	Total
	5	5

**Checked**

Fed	State	Total
	60	60

**Example/Notes:**

On 11/21/2024 B&H Landworks LLC had driver Todd Landers operate a CDL required vehicle in intrastate commerce. Todd Landers operated a Dump Truck (Unit #3, 1992 Freightliner FLD120) in commerce from Florence Kansas to Burns Kansas loaded with aggregate. This trip is evidenced by a load ticket. At the time of this trip, carrier failed to require a driver to prepare a record of duty status using the appropriate method.

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	2	2

**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:**

On 11/21/2024 B&H Landworks LLC had driver Todd Landers operate a CDL required vehicle in intrastate commerce. Todd Landers operated a Dump Truck (Unit #3, 1992 Freightliner FLD120) in commerce from Florence Kansas to Burns Kansas loaded with aggregate. This trip is evidenced by a load ticket. At the time of this trip, carrier failed to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

**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: Hours-of-Service Compliance**

#### **Process Breakdown: Roles and Responsibilities**

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##### **Specific Recommended Remedies**

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

1. Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.

### **BASIC: Driver Fitness**

#### **Process Breakdown: Monitoring and Tracking**

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##### **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: Policies and Procedures**

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##### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:**

1. 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.

# Recommendations

## 1. **Additional Information**

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

## 2. **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.

## 3. **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.

## 4. **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.

## 5. **Reasonable Suspicion Training**

Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.

## 6. **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.

## 7. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

## 8. **For All Investigations Penalty**

MANDATORY FOLLOW UP REQUIRMENTS (ALL INVESTIGATIONS THAT RESULT IN PENALTY)

1) 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](mailto:jared.L.Smith@ks.gov)

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Jared Smith

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

2) The KCC requires a representative from B&H Landworks LLC USDOT#3890201 to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the penalty order. Schedule of the dates for safety seminars can be found on the Commission s website at <https://www.kcc.ks.gov/transportation/calendar-of-events>.

FAILURE TO SUBMIT THE CORRECTIVE ACTION PLAN (CAP) AND ATTEND A SAFETY SEMINAR WITHIN 30 DAYS WILL RESULT IN THE SUSPENSION OF B&H LANDWORKS LLC USDOT#3890201's OPERATING AUTHORITY AND/OR THE IMPOUNDEMENT OF B&H LANDWORKS LLC USDOT#3890201's VEHICLES.

I understand that these requirements/violations and/or recommendations have been discussed with me and my questions have been answered. I understand that monetary penalties will be assessed as a result of violations found in this compliance review.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
<b>382.603 - Fail to get "reasonable suspicion" designee 60 min training</b>			
1	11/21/2024	Driver: Todd Landers	
<b>382.701 (b)(1) - Failing to conduct an annual query.</b>			
1	11/21/2024	Driver: Todd Landers	
2	12/03/2024	Driver: Justin Jones	
<b>391.25(c)(1) - Failing to maintain a copy of the MVR in the DQ file</b>			
1	11/21/2024	Driver: Todd Landers	
2	12/03/2024	Driver: Justin Jones	
<b>395.8(a)(1) - Failing to require a driver to prepare a RODS using the appropriate method</b>			
1	11/20/2024	Todd Landers	
2	11/21/2024	Todd Landers	
3	11/22/2024	Todd Landers	
4	11/14/2024	Todd Landers	
5	12/03/2024	Todd Landers	
<b>396.3(b)(2) - Failing to have a means of indicating maintenance due dates</b>			
1	11/21/2024	Equipment: Todd Landers	



## **EXHIBIT 2**



**SWBQ LLC**  
 9423 SW 165th St.  
 Augusta, KS 67010  
 Ph: 316-775-1737  
 Fax: 316-775-3153

**Ticket 762136**  
 12/3/2024 1:23:23PM

Location: **SOUTH WEST BUTLER QUARRY**

**Customer** 294 B & H Landworks LLC  
**Order** 220HH 220 Haver Hill  
**Carrier** 103 MISCELLANEOUS  
**Vehicle** BH01 B & H TRUCKING BROWN E  
**Product** VV 1" Grey  
**P.O.**  
**Deliver** 15 TONS  
*JUSTIN JONES*  
*22393 SW Haverhill*  
*DOUGLASS, KS*

The buyer is solely responsible for determining the suitability of material purchased. SWQLLC will make samples available for customers to make such tests as needed to determine whether buyer specifications are met. SWQLLC does not test or represent that material will meet given specifications.

**Weighmaster** Anita  
**Received** \_\_\_\_\_

	Qty	Rate	Amount
<b>Product</b>	14.38 Ton	12.90	185.50
<b>Other</b>			0.00
<b>Fee</b>			0.00
<b>Tax</b>	KS	6.5000	12.06
<b>Total</b>			197.56

	Pounds	Tons	Metric
<b>Gross</b>	52280	26.14	23.71
<b>Tare</b>	23520	11.76	10.67
<b>Net</b>	28760	14.38	13.05
	<u>Today</u>	<u>Order</u>	<u>Remaining</u>
<b>Loads</b>	1	1	
<b>Qty</b>	14.38	14.38	-14.38
<b>Qty Ordered:</b>			0.00



**SWBQ LLC**  
 9423 SW 165th St.  
 Augusta, KS 67010  
 Ph: 316-775-1737  
 Fax: 316-775-3153

**Ticket 762136**  
 12/3/2024 1:23:23PM

Location: **SOUTH WEST BUTLER QUARRY**

**Customer** 294 B & H Landworks LLC  
**Order** 220HH 220 Haver Hill  
**Carrier** 103 MISCELLANEOUS  
**Vehicle** BH01 B & H TRUCKING BROWN E  
**Product** VV 1" Grey  
**P.O.**  
**Deliver** 15 TONS

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	<u>Today</u>	<u>Order</u>	<u>Remaining</u>
<b>Loads</b>	1	1	
<b>Qty</b>	14.38	14.38	-14.38
<b>Qty Ordered:</b>			0.00



**SWBQ LLC**  
 9423 SW 165th St.  
 Augusta, KS 67010  
 Ph: 316-775-1737  
 Fax: 316-775-3153

**Ticket 762157**

12/3/2024 2:20:49PM

Location: **SOUTH WEST BUTLER QUARRY**

**Customer** 294 B & H Landworks LLC  
**Order** 220HH 220 Haver Hill  
**Carrier** 103 MISCELLANEOUS  
**Vehicle** BH01 B & H TRUCKING BROWN E  
**Product** VV 1" Grey  
**P.O.**  
**Deliver** 15 TONS

The buyer is solely responsible for determining the suitability of material purchased. SWQLLC will make samples available for customers to make such tests as needed to determine whether buyer specifications are met. SWQLLC does not test or represent that material will meet given specifications.

**Weighmaster** Anita

**Received** \_\_\_\_\_

	Qty	Rate	Amount
<b>Product</b>	14.22 Ton	12.90	183.44
<b>Other</b>			0.00
<b>Fee</b>			0.00
<b>Tax</b>	KS	6.5000	11.92
<b>Total</b>			195.36

	Pounds	Tons	Metric
<b>Gross</b>	51960	25.98	23.57
<b>Tare</b>	23520	11.76	10.67
<b>Net</b>	28440	14.22	12.90
	<u>Today</u>	<u>Order</u>	<u>Remaining</u>
<b>Loads</b>	2	2	
<b>Qty</b>	28.60	28.60	-28.60
<b>Qty Ordered:</b>			0.00



**SWBQ LLC**  
 9423 SW 165th St.  
 Augusta, KS 67010  
 Ph: 316-775-1737  
 Fax: 316-775-3153

**Ticket 762157**

12/3/2024 2:20:49PM

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<b>Net</b>	28440	14.22	12.90
	<u>Today</u>	<u>Order</u>	<u>Remaining</u>
<b>Loads</b>	2	2	
<b>Qty</b>	28.60	28.60	-28.60
<b>Qty Ordered:</b>			0.00

# **EXHIBIT 3**

## Queries History

### All Queries

Report Generated on : 01/28/2025 12:35

Key	First Name	Last Name	Country	State	Number	Employer Conducting Query	DBA	DOT Number	Query Status	Query Result	Conducted By	Query Type	Query Submitted	Query Completed
QUERY.3270	JUSTIN	JONES	US	KS	██████	B&H LANDWORKS LLC		3890201	Completed	Driver Not Prohibited	Scotty Landers	Limited	Manually	11/24/2024
QUERY.3270	TODD	LANDERS	US	KS	██████	B&H LANDWORKS LLC		3890201	Completed	Driver Not Prohibited	Scotty Landers	Limited	Manually	11/24/2024
QUERY.218N	JUSTIN	JONES	US	KS	██████	B&H LANDWORKS LLC		3890201	Completed	Driver Not Prohibited	Scotty Landers	Limited	Manually	11/9/2023
QUERY.218N	TODD	LANDERS	US	KS	██████	B&H LANDWORKS LLC		3890201	Completed	Driver Not Prohibited	Scotty Landers	Limited	Manually	11/9/2023
QUERY.201N	TODD	LANDERS	US	KS	██████	B&H LANDWORKS LLC		3890201	Completed	Driver Not Prohibited	Scotty Landers	Pre-employment	Manually	11/8/2022
QUERY.124H	JUSTIN	JONES	US	KS	██████	B&H LANDWORKS LLC		3890201	Completed	Driver Not Prohibited	Scotty Landers	Pre-employment	Manually	11/2/2022
QUERY.1228	TODD	LANDERS	US	KS	██████	B&H LANDWORKS LLC		3890201	Cancelled		Scotty Landers	Pre-employment	Manually	
QUERY.1228	JUSTIN	JONES	US	KS	██████	B&H LANDWORKS LLC		3890201	Cancelled		Scotty Landers	Pre-employment	Manually	
QUERY.1227	SCOTTY	LANDERS	US	KS	██████	B&H LANDWORKS LLC		3890201	Completed	Driver Not Prohibited	Scotty Landers	Pre-employment	Manually	10/13/2022

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**CERTIFICATE OF SERVICE**

25-TRAM-299-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 02/13/2025.

MADISEN HANE, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
madisen.hane@ks.gov

Scotty Landers, MEMBER  
B&H Landworks LLC  
995 SW 120th  
Augusta, KS 67010  
bhlandworksllc@gmail.com

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

/S/ KCC Docket Room  
KCC Docket Room