

Public Utilities Commission STATE OF CALIFORNIA

CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

To	Cristobal Castanon	File: TCP 38291 (Revoked)	
	ATTN: Cristobal Castanon	Date: June 26, 2024	
		Citation #: <u>T.24-06-002</u>	
		Case #: <u>CSE-000056</u>	

VIOLATIONS

You are hereby cited with having violated section(s) of the Public Utilities Code (P.U. Code) and California Public Utilities Commission (CPUC) General Order (G.O.) as described below. This violation occurred from January 20, 2024 to June 26, 2024.

- (1) Cristobal Castanon operated as a passenger carrier with a suspended authority on file with the commission in violation of Pub. Util. Code section 5379 [1 Count].
- (2) Cristobal Castanon operated without Workers' Compensation Insurance coverage for all employees in violation of Pub. Util. Code section 5378. 1 [1 Count]. Notice (EPN) program in violation of Pub. Util. Code Section 5374(a)(1)(d), G.O. 157-E Part 5.02, and the California Vehicle Code (CVC) Section 1808.1 [1 count]
- (3) Cristobal Castanon operated without an active Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Program account and non-casual driver enrollment or current driver records in violation of Pub. Util. Code Sections 5381, 5374 (a)(1)(D), GO 157-E, Part 5.02, and the California Vehicle Code (CVC) Section 1808.1 [1 Count].
- (4) Cristobal Castanon operated a passenger carrier without proper enrollment of all drivers in a drug and alcohol program in violation of Pub. Util. Code section 5374 (a), (I), (I) and G. O. 157-E, Part 10 [1 Count].
- (5) Cristobal Castanon operated a vehicle but did not file with the commission in violation of G. O. 157-E, Part 4.01 [1 Count].
- (6) Cristobal Castanon operated a vehicle without displaying the TCP number in violation of G. O. 157-E section 4.04 [1 Count].
- (7) Cristobal Castanon advertised transportation service after suspended authority in violation of Pub. Util. Code Section 5415.5 [1 Count].

STATEMENT OF FACTS

The above violations are documented in the attached Investigation Report, which consists of the carrier's records and substantiating documents obtained from other sources.

RESPONSE

TEB used the Penalty Assessment Methodology adopted in Resolution M-4846 and considered mitigating and exacerbating factors in setting the fine.

You are hereby called upon to answer this citation on or before July 16, 2024. By way of such answer, you may either:

- (1) Pay a fine of \$5,000 pursuant to P.U. Code Section 5378. (Submit your check or money order payable to California Public Utilities Commission using the attached *Citation Agreement*. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and the Commission staff will deem the matter closed, or
- (2) Contact the Supervisor below to make payment arrangements, or
- (3) Contest this Citation by filing an Appeal. See attached document "How to File an Appeal and Instructions for Filing a Notice of Appeal and Certificate of Service for a Citation Appeal."

If you fail to respond by July 16, 2024, you will be in default and will have forfeited your right to appeal the Citation. In addition, your operating authority will be immediately suspended and may be subsequently revoked pursuant to Resolution ALJ-187. The Commission may also act through a civil or criminal proceeding to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

Rahmon Momoh

Rahmon Momoh, Program and Project Supervisor Consumer Protection and Enforcement Division Transportation Enforcement Branch

Telephone number: (415) 703-1725

Email address: Rahmon.Momoh@cpuc.ca.gov

File No.: <u>TCP 38291</u> Citation #: <u>T.24-06-002</u>

Date: <u>June 26, 2024</u> Case #: CSE-000056

CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated June 26, 2024, and herewith pay the fine of \$5,000.

Payment (cashier check or money order) should be made payable to *California Public Utilities Commission* and sent to:

California Public Utilities Commission Attn: Fiscal Office 505 Van Ness Avenue San Francisco, CA 94102-3298

Automatic credit and debit card payments are also available. To arrange for auto-pay, fill out the attached <u>CREDIT OR DEBIT CARD AUTHORIZATION form and email</u> to our Fiscal Office at <u>FiscalOffice-.TECitations@cpuc.ca.gov</u>.

TEB Enforcement Analyst: Mary Sekyi-Appiah Case: CSE-000056 / PSG0038291

INVESTIGATION REPORT

CARRIER: Cristobal Castanon DBA Exclusive Napa Wine Tours

OWNERS: Cristobal Castanon

AUTHORITY: TCP – 38291 - Revoked

PHYSICAL ADDRESS:

MAILING ADDRESS:

PHONE / EMAIL:

VEHICLE: 2 BUSES

EMPLOYEE-DRIVERS: 1 – Cristobal Castanon

PL&PD False Lake Fire and Casualty Company

INSURANCE: Policy #:

Effective Date: 08/02/2023

WORKERS' Markel Insurance Company

COMPENSATION Policy #:

INSURANCE: Effective Date: 04/23/2024

DRUG CONSORTIUM: C-DAT

REVENUE: Year Revenue

2021

2022

2023

INTRODUCTION

On April 16, 2024, I was assigned to investigate Cristobal Castanon DBA Exclusive Napa Wine Tours (hereinafter refer to as Cristobal Castanon) because he was observed operating with a suspended authority, engaged a driver without Worker's Compensation Insurance, did not display his TCP number on the vehicle and failed to list the vehicle in his equipment list on January 20, 2024 in Napa.

VIOLATIONS

The investigation disclosed violations of the following provisions of the Public Utilities Code (Pub. Util. Code) and General Orders (G. O.):

• Cristobal Castanon operated as a passenger carrier with a suspended authority on file with the Commission in violation of Pub. Util. Code section 5379 [1 Count].

According to Transportation Licensing and Analysis Branch (TLAB) records, Cristobal Castanon's TCP 38921 was suspended on August 8, 2023 due to failure to submit a CHP inspection report and revoked on February 5, 2024 for the same issue [Attachment 1]. During the Transportation Enforcement Branch (TEB) operation on January 20, 2024, a waybill on the driver phone showed that Cristobal Castanon was operating a vehicle with license plate [Attachment 2].

 Cristobal Castanon operated without Workers' Compensation Insurance coverage for all employees in violation of Pub. Util. Code section 5378. 1 [1 Count].

Cristobal Castanon was observed operating in Napa on January 20, 2024, engaging employee driver

Enforcement Analyst Shirley Lei interviewed and confirmed that he had been working for the company for 2 years. TLAB records show that Cristobal Castanon worker's Compensation Insurance Policy was canceled on October 28, 2023 [Attachment 3].

Cristobal Castanon operated without an active Department of Motor Vehicles (DMV)
 Employer Pull Notice (EPN) Program account and non-casual driver enrollment or
 current driver records in violation of Pub. Util. Code Sections 5381, 5374 (a)(1)(D),
 GO 157-E, Part 5.02, and the California Vehicle Code (CVC) Section 1808.1 [1 Count].

A search of the DMV online database shows that Cristobal Castanon enrolled in the Employer Pull Notice (EPN) program under requestor code. Cristobal Castanon was the only driver listed under the requestor code. [Attachment 4]. Employee driver, who operated in Napa on January 20, 2024, was not listed in the Cristobal Castanon EPN account.

Cristobal Castanon operated a passenger carrier without proper enrollment of all drivers in a drug and alcohol program in violation of Pub. Util. Code section 5374 (a),
 (I), (I) and G. O. 157-E, Part 10 [1 Count].

I emailed on April 19, 2024, requesting Cristobal Castanon's driver enrollment information. On April 26, 2024, I received an email from that showed Cristobal Castanon as the only driver in its program [Attachment 5]. Employee driver who operated in Napa on January 20, 2024, was not enrolled in the program.

 Cristobal Castanon operated a vehicle but did not file with the commission in violation of G. O. 157-E, Part 4.01 [1 Count].

In accordance with G. O. 157-E, Part 4.01-Equipment Statement to be Current. Every charter-party carrier, excluding TNCs, shall maintain, on file with the Commission, an equipment list of all vehicles (owned or leased) in use under each certificate and permit. The information for each vehicle shall include the manufacturer, model year, vehicle identification number (VIN), seating capacity (including driver), description of body type or model designation, whether the vehicle is leased or owned, handicap accessible status, and its license plate number, its gross vehicle weight rating (GVWR) or gross vehicle weight (GVW), and whether the vehicle is a modified limousine, and the vehicle's terminal address. Additions and deletions to the equipment list shall be filed within ten days of the date the vehicle is put into or pulled out of service.

According to TLAB records, Cristobal Castanon's equipment list only shows one active vehicle with license plate number The vehicle with license plate number observed on January 20, 2024, in Napa, was not on the equipment list [Attachment 6].

• Cristobal Castanon operated a vehicle without displaying the TCP number in violation of G. O. 157-E section 4.04 [1 Count].

Cristobal Castanon's vehicle with License plate number was observed operating in Napa on January 20, 2024. However, Cristobal Castanon's TCP number, 38921, was not displayed on the vehicle. [Attachment 7].

 Cristobal Castanon advertised transportation service after suspended authority in violation of Pub. Util. Code Section 5415.5 [1 Count].

Cristobal Castanon's TCP 38921 was suspended on August 8, 2023 due to failure to submit a CHP inspection report and revoked on February 5, 2024. However, I found Cristobal Castanon advertising on his website <u>exclusivenapawinetours.com</u> on June 19, 2024 [Attachment 8].

DECLARATION

I have read the foregoing and know the contents thereof and I declare under penalty of perjury that the foregoing is true and correct, except as to those matters stated on information and belief, and to those matters, I believe to be true.

Executed on June 12, 2024, at Los Angeles, California.

<u>Mary Sekyi-Appiah</u>

Mary Sekyi-Appiah, TEB Enforcement Analyst

TABLE OF CONTENTS

INDEX OF ATTACHMENTS

Attachment 1 – TLAB's Letters of Suspension and Revocation

Attachment 2 – Waybill

Attachment 3 – TCP Portal Worker's Compensation Insurance

Attachment 4 – DMV/EPN Account

Attachment 5 – Drug Consortium Information

Attachment 6 – TCP Portal Equipment List

Attachment 7 – Vehicle Without TCP Number Displayed

Attachment 8 – Screenshot of Website, exclusivenapawinetours.com (June 19, 2024)

Attachment 1 - TLAB's Letters of Suspension and Revocation

STATE OF CALIFORNIA

GAVIN NEWSOM, GOVERNOR

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue San Francisco, CA 94102-3298



PSG0038291

DBA: EXCLUSIVE NAPA WINE TOURS

ATTN:CRISTOBAL CASTANON



TCP CLASS B CERTIFICATE

CPUC Order of Suspension

This is notice from the California Public Utilities Commission (CPUC) that the operating authority listed on this letter is suspended effective August 08, 2023.

Failure to submit CHP terminal safety inspection request(s) to CPUC

Unless the suspension was requested voluntarily, if the reason(s) for the suspension are not resolved within 90 days, on **November 06, 2023**, the operating authority will be revoked. Voluntary suspensions may stay in effect without becoming revoked until the operating authority expires.

After the cancellation or revocation of a permit or certificate, or during the period of its suspension, or after the expiration of its permit or certificate, it is unlawful for a Passenger Stage Corporation (PSC) or a Transportation Charter-Party carrier (TCP) of passengers to conduct any operations as a cerrier. (California Public Utilities Code §§ 1045, 5379). Unlawful operations are subject to fines and penalties as set forth in the California Public Utilities Code and may include permanent revocation of your operating authority or being permanently barred from receiving an operating authority.

A carrier whose certificate or permit is suspended due to failing to pass a vehicle inspection by the California Highway Patrol (CHP) (California Public Utilities Code § 5378.5, Commission Resolution TL-18336) may obtain a reinspection of its terminal and vehicles by the CHP by submitting a written request for reinstatement to CPUC and paying a reinstatement foo of one thousand dollars (\$1,000). (California Public Utilities Code § 5378.5(b)). Upon receipt of a written recommendation from CHP to suspend a carrier's operating authority, a carrier may request a hearing of the suspension by making a written request to CPUC and the CHP showing cause why the suspension should not be continued.

If your suspension is due to failing to maintain adequate insurance, you must contact your insurance provider to reinstate your policy on-file with the CPUC.

Date: Sep 24, 2023

PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA

licensing@cpuc.ca.gov

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue San Francisco, CA 94102-3298



DBA: EXCLUSIVE NAPA WINE TOURS

PSG0038291

ATTN: CRISTOBAL CASTANON



TCP CLASS B CERTIFICATE

Order of Revocation

This is notice from the California Public Utilities Commission (CPUC) that the operating authority listed on this letter is revoked effective February 05, 2024.

Failure to submit CHP terminal safety inspection request(s) to CPUC

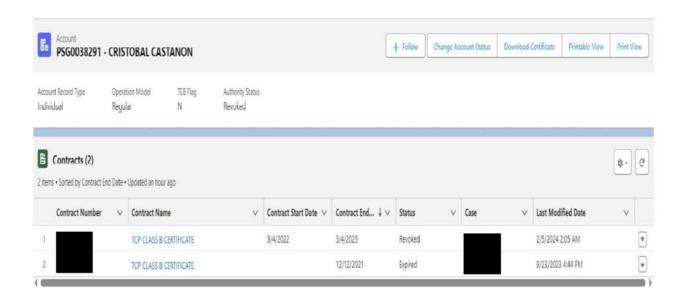
After the cancellation or revocation of a permit or certificate, or during the period of its suspension, or after the expiration of its permit or certificate, it is unlawful for a Passenger Stage Corporation (PSC) or a Transportation Charter-Party carrier (TCP) of passengers to conduct any operations as a carrier. (California Public Utilities Code §§ 1045, 5379). Unlawful operations are subject to fines and penalties as set forth in the California Public Utilities Code and may include permanent revocation of your operating authority or being permanently barred from receiving an operating authority.

There is a ninety (90) day period in which a revoked carrier may apply to reinstate the revoked operating authority unless it was permanently revoked.

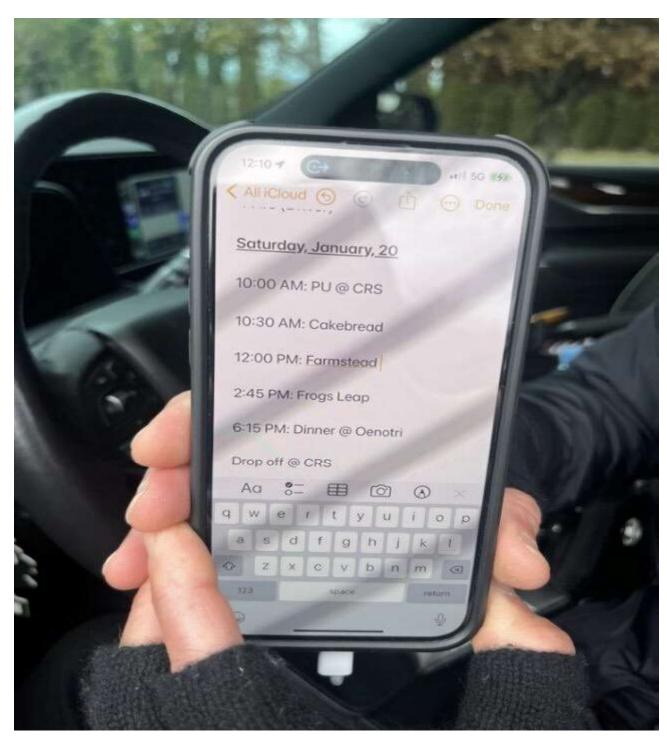
Date: Feb 05, 2024

PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA

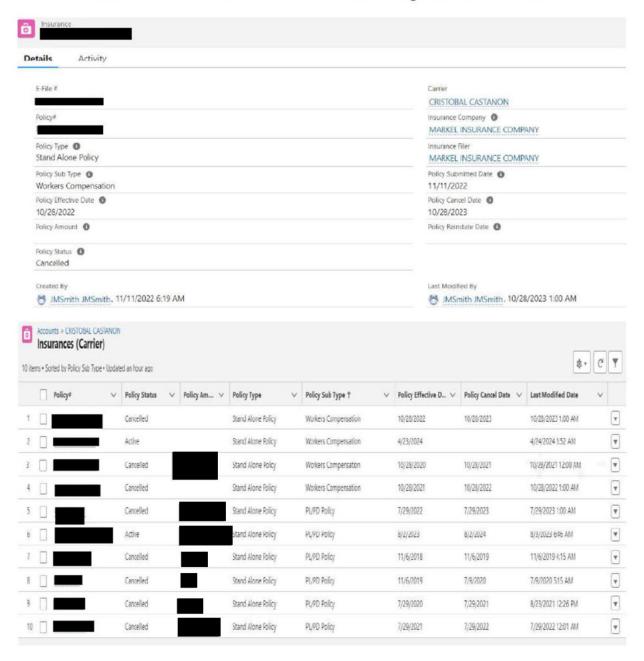
licensing@cpuc.ca.gov



Attachment 2 - Waybill



Attachment 3 - TCP Portal Worker's Compensation Insurance



Attachment 4 - DMV/EPN Account

DMV-EPN¶



Attachment 5 - Drug Consortium Information

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



April 19, 2024

File: TCP 38291 Case: CSE-56



VIA EMAIL:

The Commission's records show Jason Tastsides as the controlled substances and alcohol testing certification program for Christobal Castanon.

Please provide the following information from your records relating to Christobal Castanon.

- List of all drivers enrolled under this carrier's contract and enrollment date for driver(s) from January 2023 to January 2024.
- Any drivers that have been removed from the consortium since September 2023, to the present.
- · Status of this carrier's contract.
- If the contract is no longer active, please state the reasons(s) why.

Please provide the documents requested above in electronic form and email a copy to mary.sekyi-appiah@cpuc.ca.gov by April 26, 2024.

If you have any questions regarding this letter, I can be reached at (213) 393-6035. I appreciate your assistance in this matter.

Sincerely,

..

Mary Sekyi-Appiah Public Utilities Regulatory Analyst III Consumer Protection and Enforcement Division Transportation Enforcement Branch From:

To: Subject:

Sekyi-Appiah, Mary
[EXTERNAL] Re: CSE-56 Cristobal Castanon Drug Consortium Data Request

Date: Attachments: Friday, April 26, 2024 6:53:40 AM

image001.ppg 38291 - Enrolled Drivers.odf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mary,

Apologies for my delayed response. I have attached the enrolled driver list for Exclusive Napa Wine Iours with the date of enrollment.

In regards to the other requested information:

- 1. No drivers have been removed from the consortium since September 2023.
- 2. Status of this contract is ACTIVE

Please let me know if you need any further information.

Best Regards,



Vallejo Clinic Hours:

Mon-Fri: 7:30am - 3:00pm

Exclusive Napa Wine Tours



Entities Assigned to Pool Report Date: 2024-04-26

Entity Name	Туре	Primary ID	Location	Added
Cristobal Castanon	participant		Exclusive Napa Wine Tours	2019-09-03 12:05:16

Attachment 6 – TCP Portal Equipment List

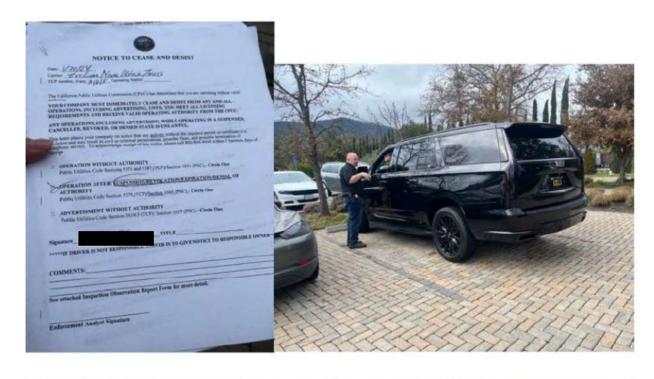


Attachment 7 – Vehicle Without TCP Number Displayed











Attachment 8 – Screenshot of Website, <u>exclusivenapawinetours.com</u> (June 19, 2024)



Napa Valley | Sonoma County | Bay Area

Door-to-Door Luxury

Exclusive Transportation Services

Transportation Services - Napa Valley Luxury Transportation



Airport Transfers



Napa and Sonoma Wine Tours



Hourly Charter

Airport Transportation

We offer ground airport services to and from all commercial airports in the Bay Area (SFO, OAK, SMF, STS, SJC) as well as regional and municipal airports (APC-Napa, 203-Angwin, STS-Santa Rosa, etc.) and their FROs



Airport transfers may be added to any other transportation service.



Stress Transportation Services - Napa Valley Luxury Transportation

Arrivals

Your chauffeur will be waiting curbside at your designated terminal for your arrival. We track your flights and keep our drivers updated on any delays or changes so that you can rely on your reserved vehicle being there when you are.

Take your time getting off the flight. Your chauffeur will wait up to an hour with no additional fee.

Departures

Departing for the airport has never been easier. Choose to arrive 90 minutes, 2 hours, or 3 hours before your departure and we will give you your pickup time based on typical traffic conditions.

Your chauffeur will arrive twenty minutes early for your pick up to assist you with your luggage.



Reserve a Sedan

3 Guests Comfortably + 5 Pleces Luggage

One-Way \$350 | Round Trip \$700

Reserve a ESV

5 Guests Comfortably + 5 Pieces Luggage

One-Way \$450 | Round Trip \$900

Reserve a Sprinter

https://exclusivenapawinetours.com/transportation-services/

3/6

One-Way \$750 | Round Trip \$1500

Skyport to Wine Country

Step off your private jet and into one of our luxury vehicles. We offer a local airport rate to all of our guests arriving/departing at the Napa County Airport with pick up/drop off locations also in Napa County

Make a Reservation

By the Hour Custom Experience

Sedans | SUVs | Sprinters

Explore Napa Valley, Sonoma County, or the Bay Area while being driven by a chauffeur in a luxury vehicle

https://exclusivenapawinetours.com/transportation-services/

4/6

6/19/24, 11:32 AM

Transportation Services - Napa Valley Luxury Transportation

Reserve a Sedan

3 Guests Comfortably + 5 Pieces
Luggage

\$140 Per Hour, 6 Hour Minimum

Reserve a ESV

5 Guests Comfortably + 5 Pieces
Luggaes

\$160 Per Hour, 6 Hour Minimum



Reserve a Sprinter

12 Guests Comfortably + 14 Pieces Luggage

\$200 Per Hour, 6 Hour Minimum

- By the hour, as directed
- Have your own itinerary
- Use our concierge service to create a custom experience

Your chauffeur will be able to guide you while you sight see or explore the "things to do" in Napa/Sonoma, or you can direct your driver from destination to destination. You can use the vehicle to store your luggage, your items if you're shopping, or other personal items while you enjoy yourself. You will have your personal drivers phone number to be able to direct them where to move the car to if you're walking around, or to run errands for you while you're at lunch or in a meeting.

This is a completely customizable experience — we will accommodate any needs you have.

https://exclusivenapawinetours.com/transportation-services/

5/6

Transportation Services - Napa Valley Luxury Transportation

Napa & Sonoma Wine Tours

Please view our **Wine Tour Page** to learn more about our Exclusive wine tours.



the state of the s



