

# Public Utilities Commission STATE OF CALIFORNIA

# CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

Го:	Sightseeing Hollywood Tours LLC	File: <u>TCP 40626 (Active)</u>
	ATTN: Santanette D. Braziel	Date: September 5, 2024
		Citation #: <u>T.24-09-002</u>
	Los Angeles, California 90028	Case #: CSE-000054

### **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 between January 1, 2024, through January 30, 2024.

- (1) Operated during suspension in violation of Pub. Util Code Section 5379 [9 counts]
- (2) Incomplete waybills in violation of Pub. Util Code Section 5381.5 and G.O. 157-E Part 3.01 [9 counts]
- (3) Operating without workers' compensation insurance in violation of Pub. Util. Code Section 5378.1 [4 counts]

### **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 September 25, 2024. By way of such answer, you may either:

- (1) Pay a fine of \$8,000 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 September 25, 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

E-mail address Rahmon.Momoh@cpuc.ca.gov

File No.: <u>TCP 40626</u> Citation #: <u>T.24-09-002</u> Date: <u>September 5, 2024</u> Case #: CSE-000054

#### CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated September 5, 2024, and herewith pay the fine of \$8,000.

Sightseeing Hollywood Tours I Santanette D. Braziel Los Angeles		
(Signature) (Title)		
(Date)		

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>.

### INVESTIGATION REPORT

Case: CSE-000054

CARRIER:	Sightseeing Hollywoo	d Tours
	CA Secretary of State	: 202127810829 (Active)
OFFICERS:	Santanette D. Braziel,	Owner
AUTHORITY:	TCP 40626 (Active)	
MAILING ADDRESS:		, Los Angeles, CA 90028
PHONE/EMAIL:		
VEHICLES:	6 Buses	
EMPLOYEE-DRIVERS:	1	
PL&PD		
INSURANCE:	<b>Policy Number:</b>	
INSURANCE:	Policy Number:  Effective Date:	
INSURANCE: WORKERS'		
WORKERS'	Effective Date:	
WORKERS' COMPENSATION	Effective Date: Policy Number:	
WORKERS' COMPENSATION INSURANCE:	Effective Date: Policy Number:	
WORKERS' COMPENSATION INSURANCE: DRUG	Effective Date: Policy Number:	Revenue
WORKERS' COMPENSATION INSURANCE: DRUG CONSORTIUM:	Effective Date:  Policy Number:  Effective Date:	Revenue

2023

#### INTRODUCTION

On January 26, 2024, I was assigned to investigate Sightseeing Hollywood Tours' operations and practices because TEB received a Hollywood Police Department complaint that Sightseeing Hollywood Tours was operating with a suspended authority [Attachment 1].

#### HISTORY OF ENFORCEMENT

**Prior Case (PSG-5853):** On May 3, 2023, I served Sightseeing Hollywood Tours a Warning Letter for not having all the pertinent information on their waybills. Santanette Braziel, the owner of Sightseeing Hollywood Tours, signed and returned the warning letter to me on June 7, 2023 [Attachment 2].

#### **VIOLATIONS**

I investigated Sightseeing Hollywood Tours, from now on referred to as Sightseeing Tours, for the period of January 1, 2024, through January 30, 2024, and found violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

• Sightseeing Tours operated during a suspension period violating Pub. Util. Code Section 5379 [9 counts].

The Transportation Licensing and Analysis Branch's (TLAB) records showed that Sightseeing Tours was suspended from January 18, 2024, to May 23, 2024, for failure to maintain workers' compensation insurance [Attachment 3].

I emailed Sightseeing Tours a data request at via the Transportation Charter Party (TCP) portal on March 25, 2024, requesting the carrier's waybills, current Public Liability and Property Damage Insurance, current Workers Compensation Insurance, and the carrier's drug consortium [Attachment 4]. After reviewing the requested records, I found that Sightseeing Tours operated for nine (9) days during the review period (January 1, 2024, to January 30, 2024) [Table 1 and Attachment 5].

**Table 1: Dates of Operations During Suspension** 

Dates	Destination	Passenger(s)
01/19/24		13
01/20/24		13
01/21/24		10
01/23/24		12
01/26/24		9
01/27/24		10
01/28/24		9
01/29/24		9
01/30/24		11

On May 8, 2024, I sent Sightseeing Tours a Notice to Cease and Desist letter via e-mail [Attachment 6].

 Sightseeing Tours provided incomplete waybills violating G.O. 157-E Part 3.01 and Pub. Util. Code 5381.5 [9 counts].

A review of the waybills provided by Sightseeing Tours disclosed that the carrier's waybills were not in full compliance and lacked some of the following required items [Attachment 5]:

- 1. Driver's name.
- 2. Name and address of person requesting or arranging the charter
- 3. Time and date when charter was arranged
- Whether the transportation was arranged by telephone, written contract or electronic communication.

## Sightseeing Tours operated without workers' compensation insurance violating Pub. Util. Code Section 5378.1 [4 counts].

TLAB records showed that Sightseeing Tours' workers' compensation insurance was cancelled on December 19, 2023 [Attachment 7]. According to Sightseeing Tours' waybills from January 1, 2024, to January 30, 2024, the carrier engaged four (4) drivers, X, Bob, Brandon, and Tim, without the evidence of workers' compensation insurance [see Table 2 and Attachment 5].

Table 2 - Driver's Names According to Waybills

Dates	Destination	Driver Name
01/19/24		"X"
01/20/24		"ВОВ"
01/21/24		"BRANDON"
01/23/24		"ВОВ"
01/26/24		"BRANDON"
01/27/24		"TIM"
01/28/24		"ВОВ"
01/29/24		"BRANDON"
01/30/24		"ВОВ"

### **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 September 5, 2024, at San Francisco, California.

<u>Destiny Graham</u>

Destiny Graham, PURA III

### **List of Attachments**

- Attachment 1 Complaint Received from Hollywood PD
- Attachment 2 Signed Warning Letter received on 6/7/23
- Attachment 3 TLAB Suspension Letter sent on 1/18/24
- Attachment 4 Data Request sent to Carrier on 3/25/24
- **Attachment 5** Nine Waybills
- Attachment 6 Cease-and-Desist Notice
- Attachment 7 Workers' Compensation Insurance History

# California Public Utilities Commission Transportation Informal Complaint Tracking System Printed as of 26-JAN-2024 13:35:43

Case #	20240011
Inquiry Type Carrier Type	Written Passenger Carrier
Received by Area Office Area Office Assigned District Office Transfered To Representative	Consumer Int. San Francisco Shirley Lei
Received Date	26-JAN-2024 26-JAN-2024
COMPLAINANT:  MTR/PSG/CA#  DBA  Name  HOLLY  Address  City/St/Zip  Phone  Email	WOOD POLICE DEPARTMENT
Address	SEEING HOLLYWOOD TOURS LLC NGELES CA 90028

### COMPLAINT DESCRIPTION:

Referral from Hollywood PD that carrier was operating with a suspended authority.

### DISPOSITION DESCRIPTION:

Referred to enforcement.

Phone.....

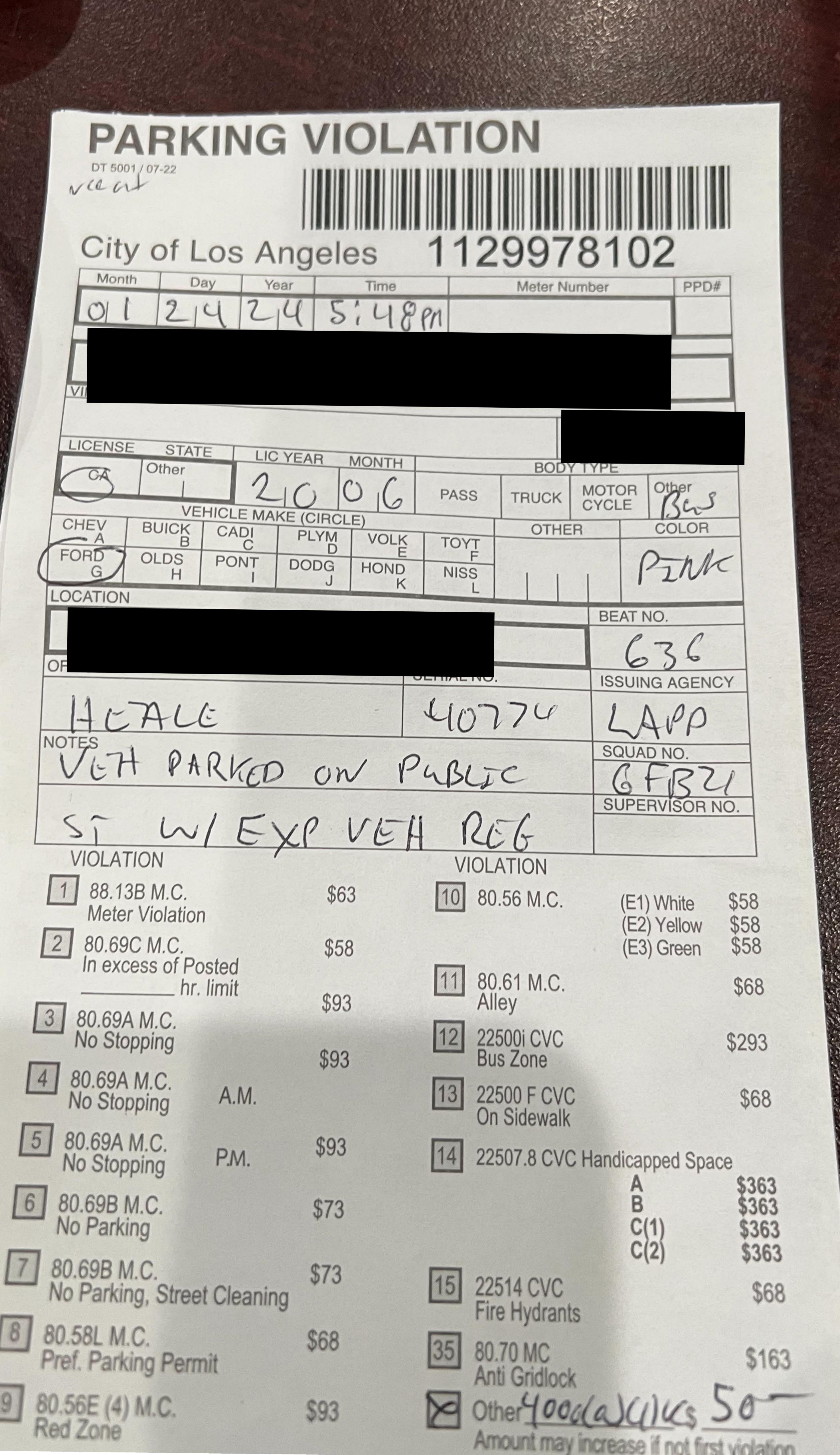
# California Public Utilities Commission Transportation Informal Complaint Tracking System Passenger Carrier Violation(s) Printed as of 26-JAN-2024 13:35:43

Failure to insure all equipment
Failure to register interstate operations
GO 157/158
Loss or Damage
C No operating authority
No worker's compensation
Operations while suspended
Other
Service
Unlicensed sub-carriers
Advertising without a permit









505 Van Ness Ave San Francisco, CA 94102



May 3, 2023

Santanette D Braziel, Owner Sightseeing Hollywood Tours LLC

Los Angeles, CA 90028

#### WARNING LETTER

Case No.: PSG-5853

On May 3, 2023, Destiny Graham, Enforcement Analyst of the Transportation Enforcement Branch of the Public Utilities Commission of the State of California, admonished Santanette Braziel, Owner, for violation(s) of the following rules and regulations:

Reference	Item/Section	Violation
General Order	157-E, 3.01	Failure to show all information as required on waybills.
Public Utilities Code	5381.5	Failure to provide a complete waybill with the required information.

You are also placed on notice that a re-examination of the transportation records of Sightseeing Hollywood Tours may be conducted in the future. If similar violations are found at that time, penalties may be incurred, as provided in the Public Utilities Codes.

I have read the above statement	and	have	been
furnished a copy.			
US.30			
Carrier Representative			
<b>F</b>			
Sightseeing Hollywood Tou			
Dated			
Dateu			

Destiny Graham

Destiny Graham

Public Utilities Regulatory Analyst I
Dated May 3, 2023

505 Van Ness Avenue San Francisco, CA 94102-3298



DBA: PSG0040626

ATTN:SIGHTSEEING HOLLYWOOD TOURS LLC

LOS ANGELES CALIFORNIA 90028

TCP CLASS A 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 **January 18, 2024**.

#### Failure to Maintain Workers Comp. Insr. Coverage

Unless the suspension was requested voluntarily, if the reason(s) for the suspension are not resolved within 90 days, on **April 17**, **2024**, 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 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.

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 fee 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: Jan 18, 2024

PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA

licensing@cpuc.ca.gov

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



March 25, 2024

TCP: 40626 (Suspended) Case No.: CSE-000054

Santanette D Braziel

Los Angeles, CA 90028

Subject: Data Request

Dear Santanette Braziel:

The California Public Utilities Commission's (Commission) Consumer Protection and Enforcement Division (CPED) Transportation Enforcement Branch (TEB) is currently reviewing the Commission's records for intrastate transportation carriers that are regulated by the Commission.

Public Utilities Code Section 5389 authorizes the Commission and its staff to have access at any time to the land, buildings, or equipment of a charter-party carrier of passengers used in connection with the operation of its business and may inspect the accounts, books, papers, and documents of the carrier.

General Order 157-E, Part 6.01 specifically states in part that every carrier shall institute and maintain in its offices a set of records which reflect information as to the transportation services performed, including waybills, driver records, and safety and maintenance records including copies of all lease and sub-carrier agreements. Such records shall be maintained for a minimum period of three years.

Pursuant to Public Utilities Code Section 5389, the Commission is requesting a review of the Charter-Party intrastate transportation records for Sightseeing Hollywood Tours. Failure to provide access to records is a misdemeanor punishable by a maximum of \$5,000, or by imprisonment in a county jail not exceeding one year, or by both fine and imprisonment, where each violation is a separate and distinct offense (Public Utilities Code Section 2110).

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



We are requesting that you present your documents listed below in electronic form. Please scan the following documents and email a copy to Destiny Graham at Destiny.Graham@cpuc.ca.gov by April 8, 2024.

- 1. Your current public liability and property damage insurance policy showing the schedule of vehicles and drivers insured,
- 2. Current service agreement with your Drug Consortium and a list of all drivers enrolled showing dates added and/or deleted,
- 3. Waybills for all runs from January 1, 2024, through January 30, 2024,
- 4. Your current workers' compensation policy.

CPED reserves the right to amend, add to or revise this Data Request in the future if necessary.

Any responsive records provided by you that have been properly labeled and submitted as confidential will be treated as such, under Public Utilities Code Section 583 (see also General Order 66-D). Confidential documents will not be released to the public except as required by law following a Public Records Request and reduction of confidential material.

If you have any questions, please do not hesitate to call me at 628-217-1952 or e-mail Destiny.Graham@cpuc.ca.gov.

Sincerely,

Destiny Graham, PURA II
California Public Utilities Commission
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Email: Destiny.Graham@cpuc.ca.gov

Telephone: 628-217-1952

DRIVER 'S NAME	Х
VEHICLE LIC. #	00010R1
ORIGIN	• 6
DESTINATION	
PASSENGERS	13
TIME & DATE	12:50 PM/ 01-19-24

DRIVER 'S NAME	ВОВ
VEHICLE LIC. #	70307J2
ORIGIN	•
DESTINATION	
PASSENGERS	13
TIME & DATE	1:00 PM/ 01-20-24

DRIVER 'S NAME	BRANDON
VEHICLE LIC. #	8Z82437
ORIGIN	
DESTINATION	
PASSENGERS	10
TIME & DATE	10:45 AM/ 01-21-24

DRIVER 'S NAME	вов
VEHICLE LIC. #	8Z82437
ORIGIN	
DESTINATION	
PASSENGERS	12
TIME & DATE	11:00 AM/ 01-23-24

DRIVER 'S NAME	BRANDON		
VEHICLE LIC. #	95677V1		
ORIGIN			
DESTINATION			
PASSENGERS	9		
TIME & DATE	1:10 PM/ 01-26-24		

DRIVER 'S NAME	TIM		
VEHICLE LIC. #	00010R1		
ORIGIN			
DESTINATION			
PASSENGERS	10		
TIME & DATE	11:00 AM/ 01-27-24		

DRIVER 'S NAME	вов		
VEHICLE LIC. #	8S60888		
ORIGIN			
DESTINATION			
PASSENGERS	9		
TIME & DATE	12:00 PM/ 01-28-24		

DRIVER 'S NAME	BRANDON		
VEHICLE LIC. #	00010R1		
ORIGIN	•		
DESTINATION			
PASSENGERS	9		
TIME & DATE	2:00 PM/ 01-29-24		

DRIVER 'S NAME	вов		
VEHICLE LIC. #	00010R1		
ORIGIN	•		
DESTINATION			
PASSENGERS	11		
TIME & DATE	3:30 PM/ 01-30-24		

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



May 8, 2024 TCP: TCP 40626 (Revoked)

Case No.: CSE-000054

Sightseeing Hollywood Tours Santanette D. Braziel

Los Angeles, CA 90028

### NOTICE TO CEASE AND DESIST

Dear Santanette D. Braziel:

On January 18, 2024, your Charter Party Carrier authority was suspended for failure to maintain workers' compensation insurance. Subsequently, your authority was then revoked on April 17, 2024.

Public Utilities (Pub. Util.) Code Section 1045 states in part that after cancellation or revocation, or during the period of its suspension, it is unlawful for a PSC to conduct any operations as a carrier. Pub. Util. Code Section 1034.5 states that it is unlawful to publish or advertise without holding a valid authority. Advertisements include, but are not limited to, advertising in local directories or Yellow Pages, business cards, websites, etc.

Pub. Util. Code Section 5379 states in part that it is unlawful for a TCP to conduct any operations after cancellation or revocation, or during the period of its suspension, or after the expiration of its authority. Pub. Util. Code Section 5414.5 states that it is unlawful to publish or advertise without a valid authority. Advertisements include, but are not limited to, advertising in local directories or Yellow Pages, business cards, websites, etc.

Sightseeing Hollywood Tours must immediately cease and desist from any and all unlawful operations, including advertising. Pub. Util. Code Section 5411 states in part that any carrier

Page 2

which operates without a valid authority is guilty of a misdemeanor and is punishable by a

fine of not less than \$1,000.

This letter places your company on notice that continued violations of the law without the required authority may result in enforcement actions, including criminal prosecutions. There will be no

authority may result in enforcement actions, including criminal prosecutions. There will be no

further warnings.

For information on obtaining a permit or certificate, go to:

http://www.cpuc.ca.gov/transportationlicensing/.

Please contact me within five days of receiving this notice at the telephone number and email

address listed below.

Sincerely,

Destiny Graham, Public Utilities Regulatory Analyst II

California Public Utilities Commission

Consumer Protection and Enforcement Division

Transportation Enforcement Branch

Email: Destiny.Graham@cpuc.ca.gov

Telephone: 628.217.1952

10+ iter	\$ → C <sub>1</sub>					
	Date ~	Field	User	Original Value	New Value ∨	
1	6/17/2024 8:57 AM	Policy Cancel Date	tsgenaro tsgenaro	7/12/2024		
2	6/10/2024 10:22 AM	Policy Cancel Date	Raymond Carter		7/12/2024	
3	5/9/2024 10:52 AM	Policy Reinstate Date	Christine Norton	10/21/2023		
4	5/8/2024 11:16 AM	Policy Cancel Date	Eric Toliver	12/19/2023		
5	5/8/2024 11:16 AM	Policy Reinstate Date	Eric Toliver		10/21/2023	
6	5/8/2024 11:16 AM	Policy Status	Eric Toliver	Cancelled	Active	
7	12/19/2023 1:00 AM	Policy Status	Christine Norton	Active	Cancelled	
8	11/20/2023 11:20 AM	Policy Cancel Date	Christine Norton		12/19/2023	
9	5/30/2023 11:18 AM	Policy Cancel Date	storres storres	6/16/2023		
10	5/15/2023 12:38 PM	Policy Cancel Date	Katie Warters		6/16/2023	
View All						