

#### **Public Utilities Commission**

STATE OF CALIFORNIA

#### CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

To: Ayham M Abulail
Doing Business As (DBA) Kinzy Limousine

File: TCP 19852 P Citation #: T.23-11-003 Date: November 9, 2023

Case #: PSG-5904

#### **VIOLATIONS**

You are hereby cited with having violated section(s) of the Public Utilities (Pub. Util.) Code and a Commission General Order (G.O.) as described below. These violations occurred during the period December 28, 2022, through April 7, 2023.

- (1) Operated as a charter-party carrier after expiration of authority, in violation of Pub. Util. Code section 5379. [2 counts];
- (2) Operated at an airport without an airport permit and failure to follow airport rules and regulations in violation of Pub. Util. Code section 5371.4(b), 5381 & General Order (G.O.) 157-E Part 3.02 [2 counts].

#### **STATEMENT OF FACTS**

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

#### **RESPONSE**

You are hereby called upon to answer this citation on or before November 30, 2023, by way of such answer, you may either:

- (1) Pay a fine of \$4,000 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 November 30, 2023, 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.

Eric Hooks

Tic Hooks

Program and Project Supervisor

Consumer Protection and Enforcement Division

Transportation Enforcement Branch Telephone number: (415) 703-2302

E-mail address: eric.hooks@cpuc.ca.gov

Attachments

#### **INVESTIGATION REPORT**

Case: PSG-5904

**CARRIER:** Ayham M Abulail

Doing business as (Dba) Kinzy Limousine

**OWNER:** Ayham M Abulail

**AUTHORITY:** TCP 19852 P (Expired)

MAILING ADDRESS:

**PHONE:** (415) 368-9666

VEHICLES: 2

**EMPLOYEE-DRIVERS:** 1

PL&PD Global Liberty Insurance Company of New York

**INSURANCE:** Policy Number:

Cancellation Date: May 5, 2015

**WORKERS'** 

**COMPENSATION** 

**INSURANCE:** None

**DRUG** 

CONSORTIUM: None

#### INTRODUCTION

On May 10, 2023, I was assigned to investigate the operations and practices of Ayham M Abulail Dba Kinzy Limousine, TCP 19852 (hereinafter referred as Mr. Abulail), due to a San Francisco International Airport (SFO) complaint alleging that Mr. Abulail was operating with an expired authority, operated at an airport without an airport permit, and failed to follow airport rules and regulations.

#### HISTORY OF ENFORCEMENT

**Prior Case (PSG-3951):** On August 14, 2015, Michael Luo, a Senior Enforcement Analyst, served Mr. Abulail an Official Notice admonishing him for operating on airport property without an airport permit [Attachment 1].

#### **VIOLATIONS**

I investigated Mr. Abulail for the period of December 28, 2022, through April 7, 2023, and found violations of the following provisions of the Public Utilities (Pub. Util.) Code and a Commission General Order (G.O.):

• Mr. Abulail operated as a charter-party carrier after expiration of his authority, in violation of Pub. Util. Code section 5379. [2 counts]

Pub. Util. Code 5379 states in part that "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 charter-party carrier of passengers to conduct any operations as a carrier."

On March 19, 2015, Mr. Abulail's authority (P permit) with the Commission expired. The permit states at the top," EXPIRES ON MARCH 19, 2015 - SEE PARAGRAPH (10)." [Attachment 2]. Mr. Abulail never reactivated his authority after it expired.

On December 28, 2022, San Francisco Airport Bureau Police Department (SFPD Airport Bureau) issued Mr. Abulail citation # \_\_\_\_\_\_\_, and on April 7, 2023, citation # \_\_\_\_\_\_\_ for operating after expiration. My investigation revealed that Mr. Abulail operated for two days and conducted two trips after expiration of his authority [Table 1 and Attachment 3]. On June 29, 2023, I sent a Cease & Desist Notice (C&D) by U.S. mail to two different known addresses of Mr. Abulail. He never responded to the C&D [Attachment 4].

Table 1: Dates of operations after expiration of TCP authority, and operating at an airport without an airport permit and failure to follow airport rules and regulations:

| Dates of Operation  | Days Operated | <b>Trips Conducted</b> |  |
|---------------------|---------------|------------------------|--|
| 12/28/22 and 4/7/23 | 2             | 2                      |  |

• Mr. Abulail operated at an airport without an airport permit and failure to follow airport rules and regulations, in violation of Pub. Util. Code Section 5371.4(b), 5381 and G.O. 157-E, Part 3.02. [2 counts]

On July 30, 2010, and on September 16, 2010, Mr. Abulai was sent a letter from SFO that his Airport Operating Permit #8531 was revoked [Attachment 5]. On December 28, 2022, San SFPD Airport Bureau issued Mr. Abulail Citation # \_\_\_\_\_\_\_, and on April 7, 2023, citation for operating after revocation of SFO's authority in addition to operating after the expiration of the California Public Utilities Commission's TCP authority. My investigation disclosed that Mr. Abulail operated at an airport without an airport permit and failure to follow airport rules and regulations for two days and conducted two trips after revocation of his airport permit [Table 1 and Attachment 5].

#### **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 November 9, 2023, at San Francisco, California.

Aaron Pete, Enforcement Analyst

# TABLE OF ATTACHMENTS

#### **List of Attachments**

- Attachment 1. Prior Case, PSG-3951- Ayham Abulail, Official Notice.
- Attachment 2. Mr. Abulail's PSG 19852 Class P Charter-Party Permit.
- Attachment 3. SFPD Airport Bureau Citations No.
- Attachment 4. Cease and Desist Notices mailed to Mr. Abulail.
- Attachment 5. Letters of Revocation of SFO Permit No.



Case#: PSG- 3951

#### **Public Utilities Commission**

State of California

#### **OFFICIAL NOTICE**

On <u>August 14, 2015</u>, Michael Luo of the Transportation Enforcement Branch of the Public Utilities Commission of the State of California admonished:

| Ayhar                           | n M. Abulail, Sole Proprietor   |  |
|---------------------------------|---|--|
|                                 | (Name and Title)  |  |
|                                 | Kinzy Limousine<br>TCP 19852  |  |
| ((                              | Carrier' dba and TCP/PSC)   |  |
|                                 | ced him on notice that if similar violations are ided in the Public Utilities Code (PUC) and Commission General |  |
| REFERENCE                       | VIOLATION   |  |
| G.O. 157, Part 3.02             | Operating within airport property without airport authority (SFO).  |  |
|                                 |   |  |
| Michael Luo Backge#67 Michael 2 | I have read the above statement and have been furnished a copy.   |  |
| Investigator  9/10/15           | Carrier (Print)   |  |
| Date                            | dba   |  |
| ·                               | Signature   |  |
|                                 | Date  |  |

### PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

#### **CLASS P CHARTER-PARTY PERMIT**

#### **EXPIRES ON MARCH 19, 2015 - SEE PARAGRAPH (10)**

PERMIT NO. TCP0019852 - P

AYHAM M ABULAIL DBA: KINZY LIMOUSINE

41

#### **TERMINAL**

The above-named Carrier, having made written application to the Public Utilities Commission of the State of California for a permit to operate as a CHARTER-PARTY CARRIER OF PASSENGERS, pursuant to Sections 5351 through 5420 of the Public Utilities Code, is granted this permit authorizing the transportation of passengers by motor vehicle over the public highways of the State of California as a CHARTER-PARTY CARRIER OF PASSENGERS, as defined in said Code, subject to the following conditions:

- (1) This permit is issued pursuant to Public Utilities Code Section 5384(b), and is limited to the use of vehicles under 15-passenger seating capacity.
- (2) No vehicle or vehicles shall be operated by said Carrier unless adequately covered by a public liability and property damage insurance policy or surety bond as required by Public Utilities Code Section 5392.
- (3) Said Carrier shall comply with all Commission orders, decisions, rules, directions, and requirements governing the operations of said Carrier including General Order Series 115 and 157 and shall remit to the Commission the Transportation Reimbursement Fee required by Public Utilities Code Section 403.
- (4) All vehicles operated under this permit shall comply with the requirements of the Motor Carrier Safety Section of the California Highway Patrol. No vehicle shall be operated unless it is named in the Carrier's most recent equipment list on file with this Commission. Written amendments to the equipment list shall be filed within ten days of the date the vehicle is put into or pulled out of service.
- (5) This permit is subject to amendment, modification, suspension or revocation as provided in the Public Utilities Code and in Commission Resolutions PE-498, PE-501, and TL-18336.
- (6) This permit may not be sold, assigned, leased, or otherwise transferred or encumbered without Commission authorization.
- (7) This permit does not authorize the Carrier to conduct operations on the property of or into any airport unless such operation is authorized by the airport authority involved.
- (8) This permit does not authorize round-trip sightseeing tour service.
- (9) The use of top lights and/or taxi meters in all vehicles operated under this permit is prohibited (D 82-05-069).
- (10) This permit expires MARCH 19, 2015. It may be renewed every three (3) years upon submission and approval of a renewal application. This renewal application should be submitted 90-days prior to the expiration date.

Dated this 19 day of March, 2012

Julie Halligan

Deputy Director, Consumer Protection and Safety Division

| ☐ LIGHT ☐ CLEAR ☐ WET ☐ MODERATE ☐ CLOUDY ☐ DRY ☐ HEAVY ☐ RAINING ☐ DAYLIGHT ☐ FOG ☐ DARKNESS  | 1.4<br>2.1<br>1.1 |
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| ☐ HEAVY ☐ RAINING ☐ DAYLIGHT ☐ FOG ☐ DARKNESS  |                   |
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| Yr. of Veh. Make Access  | Body Style   | Color                       |                             | de, § 15210    | 10.75    |
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| Comments (Weather, Road & Traffic Condition  | ions)  |                             | Accide                      | nt s           |          |
| ☐ Violations not committed in my presence.   |  |                             |                             |                |          |
| I declare under penalty of perjury under the law<br>Executed at (place)  | vs of the State of<br>Violation Locatio  | California the              | foregoing is true           | and correct.   |          |
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| NORTHERN BRANCH - TRAFFIC  1050 MISSION ROAD, SO. SAN FRANCISCO, C   |  | (650) 363-4300              |                             |                |          |
| GRIMINAL DIVISION - HALL OF JUSTICE 400 COUNTY CENTER, REDWOOD CITY, CA 94   |  | (650) 201-5100              |                             |                |          |
| CRIMINAL DIVISION - NORTHERN BRANCH<br>1050 MISSION ROAD, SO. SAN FRANCISCO, C   |  | (650) 261-5100              |                             |                |          |
| □ JUVENILE TRAFFIC COURT 222 PAUL SCANNEL DRIVE, SAN MATEO, CA 9-  |  | (650) 312-6887              | COURT                       |                |          |
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| Judicial Council of California Form<br>Rev. 1-1-19 (Veh. Code, §§ 40500(b), 40513(b  | Contract of the Contract of th |                             |                             | SEE REVER      |          |
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| evidence of Financial Responsibility CHP/DOT/PUC/ICC 9.   | (Veh. Code, § 353)                               |
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| 9.  | / Accident                                       |
| ☐ Violations not committed in my presence, declared on information  | and helief                                       |
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| I declare under penalty of perjury under the laws of the State of Californ  | ia the foregoing is true and correct.            |
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| 500 COUNTY CENTER, REDWOOD CITY, CA 94063   | 3 4300   |
| NORTHERN BRANCH - TRAFFIC (650) 36  | 3-4300   |
| 1050 MISSION ROAD, SO. SAN FRANCISCO, CA 94080 CRIMINAL DIVISION - HALL OF JUSTICE (650) 26   | 1-5100   |
| 400 COUNTY CENTER, REDWOOD CITY, CA 94063   |  |
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| TICRIMINAL DIVISION - NORTHERN BRANCH (650) 26  | 1-5100   |
| CRIMINAL DIVISION - NORTHERN BRANCH (650) 26<br>1050 MISSION ROAD, SO. SAN FRANCISCO, CA 94080  |  |
| G50) 26 CRIMINAL DIVISION - NORTHERN BRANCH 1050 MISSION ROAD, SO. SAN FRANCISCO, CA 94080 JUVENILE TRAFFIC COURT (650) 31  | 2-8687   |
| CRIMINAL DIVISION - NORTHERN BRANCH  1050 MISSION ROAD, SO. SAN FRANCISCO, CA 94080  JUVENILE TRAFFIC COURT  222 PAUL SCANNEL DRIVE, SAN MATEO, CA 94402  | 2-8887 COURT COPY                                |
| CRIMINAL DIVISION - NORTHERN BRANCH  1050 MISSION ROAD, SO. SAN FRANCISCO, CA 94080  JUVENILE TRAFFIC COURT  222 PAUL SCANNEL DRIVE, SAN MATEO, CA 94402  To be notified  You may arrange with clerk to appear at a night ses | 2-8887 COURT COPY sion of the court.             |
| TICRIMINAL DIVISION - NORTHERN BRANCH  1050 MISSION ROAD, SO. SAN FRANCISCO, CA 94080  JUVENILE TRAFFIC COURT  222 PAUL SCANNEL DRIVE, SAN MATEO, CA 94402  | 2-8887 COURT COPY sion of the court. SEE REVERSE |

STATE OF CALIFORNIA GAVIN NEWSOM, Governor

#### PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



June 29, 2023

TCP: 19852 (EXPIRED) Case No.: PSG-5904

Ayham M Abulail Dba Kinzy Limousine

#### NOTICE TO CEASE AND DESIST

Dear Ayham M Abulail:

On March 19, 2015, your charter-party operating authority expired.

Public Utilities Code (P.U. Code) Section 5379 states that it is unlawful for a charter-party carrier of passengers to conduct any operations after cancelation or revocation, or during the period of its suspension, or after the expiration of its permit or certificate. P.U. Code Section 5414.5 states that it is unlawful to publish or advertise without holding a valid permit. Advertisements include, but are not limited to, advertising in local directories or yellow pages, business cards, websites, etc.

P.U. Code Section 5387 states in part that a charter-party carrier shall have its authority to operate as a charter-party carrier permanently revoked by the California Public Utilities Commission (CPUC) if it operates a bus without having been issued a permit or certificate from the CPUC.

YOU MUST IMMEDIATELY CEASE AND DESIST ANY AND ALL UNLAWFUL OPERATIONS. ANY CARRIER WHICH OPERATES WITHOUT AUTHORITY IS GUILTY OF A MISDEMEANOR WHICH IS PUNISHABLE BY A FINE OF NOT LESS THAN \$1,000 AND NOT MORE THAN \$5,000 FOR EACH VIOLATION OR BY IMPRISONMENT IN THE COUNTY JAIL FOR UP TO THREE MONTHS, OR BOTH (P.U. CODE SECTION 5411).

#### Page 2

This letter places your company on notice that continued violations of the law without the required authority may result in criminal prosecutions and termination of telephone service. There will be no further warnings.

If you have questions, please do not hesitate to call me at (415) 703-2347.

Sincerely,

Aaron Pete, Enforcement Analyst

Aaron Pete

California Public Utilities Commission

Consumer Protection and Enforcement Division

Transportation Enforcement Branch Email: aaron.pete@cpuc.ca.gov

Telephone: (415) 703-2347

STATE OF CALIFORNIA GAVIN NEWSOM, Governor

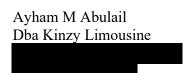
#### PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



June 29, 2023

TCP: 19852 (EXPIRED) Case No.: PSG-5904



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Sincerely,

Aaron Pete

Aaron Pete, Enforcement Analyst California Public Utilities Commission Consumer Protection and Enforcement Division

Transportation Enforcement Branch

Email: aaron.pete@cpuc.ca.gov Telephone: (415) 703-2347



#### San Francisco International Airport

#### **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

P.O. Box 8097

San Francisco, CA 94128

Tel 650.821.5000

Fax 650.821.5005

www.flysfo.com

July 30, 2010

Ayham M Abulail Kinzy Limousine Service

AIRPORT COMMISSION

CITY AND COUNTY
OF SAN FRANCISCO

GAVIN NEWSOM

MAYOR

PRESIDENT

LARRY MAZZOLA

LINDA S. CRAYTON

CARYLITO

ELEANOR JOHNS

RICHARD J. GUGGENHIME

JOHN L. MARTIN

AIRPORT DIRECTOR

SUBJECT: Revoca

Revocation of Ground Transportation Permit No. ("Permit") between the San Francisco International Airport ("Airport"), as Landlord, and Ayham M. Abulail ("Kinzy Limousine Service") as Permittee

Dear Mr. Abulail:

At 5:45 p.m. on July 5, 2010, the driver of your limousine with California license plate #1ZZT546 was observed illegally soliciting customers outside of Terminal 3. In prior meetings with Landside Operations staff, and as recently as April 2010, you were personally advised that your Airport Operating Permit would be suspended and/or revoked if you or any of your staff continued to violate the terms and conditions of your Airport Operating Permit and/or the Airport's Rules and Regulations. A review of Airport records show that your firm, Kinzy Limousine Service, was suspended on March 31, 2010 for soliciting. Additionally, your firm owes the Airport \$1,000.00 in outstanding administrative fines.

Based upon the above which is a violation of both the Airport's Rules and Regulations and the terms of your Airport Operating Permit, as well as the five (5) outstanding administrative fines that were issued to you through July 21, 2010, we are hereby revoking your firm's Permit effective immediately. As such, Kinzy Limousine Service is not permitted to operate any vehicles on Airport property, nor is Kinzy Limousine Service authorized to conduct any pickups or drop-offs at San Francisco International Airport as set forth by the Airport's Rules and Regulations and California Public Utilities Commission General Order 157-D.

Pursuant to Section 1.4.7(A)(2) of the Airport's Rules and Regulations, you may appeal the revocation to the Airport Commission within ten (10) days of the receipt of this letter by submitting a written request to the Airport Commission Secretary. Note that the request shall specifically state the grounds for appeal of the revocation.

Ayham M Abulail Kinzy Limousine Service July 30, 2010 Page 2

Any questions regarding this letter are to be addressed to Mr. Abubaker Azam, Landside Operations Manager, directly at (650) 821-6516.

Very truly yours,

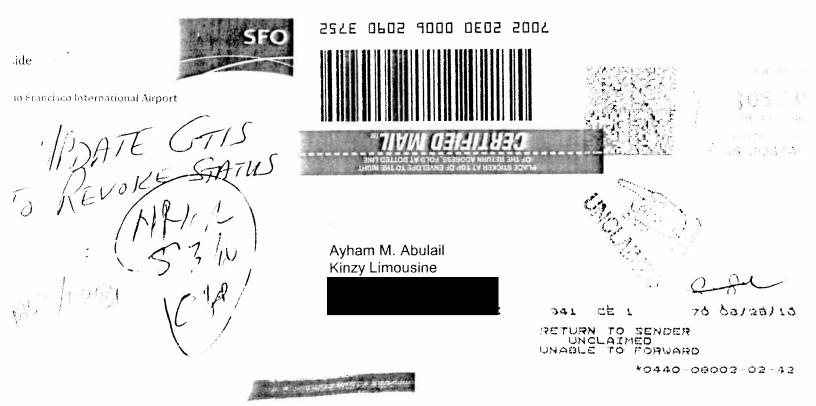
Tryg McCoy

Deputy Airport Director Operations and Security

The to send on the

cc: Suong T. Le, CPUC

Attachments





#### San Francisco International Airport

#### September 16, 2010

Mr. Ayham M Abulail dba Kinzy Limousine P.O. Box 8097

San Francisco, CA 94128

Tel- 650.821.5000

Fax 650.821.5005

www.flysfo.com

**RE**: Permit Termination

TCP# 19852

Dear Mr. Abulail:

AIRPORT COMMISSION

CITY AND COUNTY
OF SAN FRANCISCO

GAVIN NEWSOM

MAYOR

LARRY MAZZOLA

PRESIDENT

LINDA S. CRAYTON

VICE PRESIDENT

CARYL ITO

**ELEANOR JOHNS** 

RICHARD J. GUGGENHIME

JOHN L. MARTIN

Effective immediately, the San Francisco International Airport, Airport Commission (SFO) revoked your Limousine Airport Operating Permit #

The Airport currently holds a performance bond in the amount of \$1,000 and a \$100 transponder deposit for a total of \$1,100. Be advised that SFO issued transponders are the property of SFO.

As of September 16, 2010, you owe the Airport \$377.25 for outstanding trip fees, \$800 for administrative fines and \$200 for two unreturned transponders (#813892 and #814344) totaling \$1,377.25. We are applying your total security bond currently held by the Airport in the amount of \$1,100 against the outstanding amount of \$1,377.25 leaving you with a balance of \$277.25 which is now due and payable to the Airport. Please complete and sign the attached Credit Card Authorization Form and fax to GTU at (650) 821-3607 or mail a check or money order in the amount of \$277.25 to:

San Francisco International Airport Ground Transportation Unit P. O. Box 8097 San Francisco, CA 94128

Be advised that if in the future you wish to obtain a new Commercial Ground Transportation Operating Permit, you will be required to pay all outstanding fees due the Airport before a new permit will be authorized.

If you should have any questions regarding this matter, please feel free to contact me at (650) 821-3600 or email to GTU@flysfo.com.

Derek Phipps

Manager

Ground Transportation Unit