

Public Utilities Commission

STATE OF CALIFORNIA

CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

To: Tikero Group Inc. Attention: Davit Arakelyan

File: TCP 39467 B Citation #: T.24.01-005 Date: January 17, 2024 Case #: PSG-5941

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 of December 1, 2022, through August 11, 2023.

- Engaged 10 employee-drivers without evidence of Workers' Compensation (WKCP) insurance coverage in effect and on file with the Commission, in violation of Pub. Util. Code section 5378.1. [1 count].
- (2) Failed to enroll 10 employee drivers in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) program, in violation of Pub. Util. Code sections 5374(a)(1)(D), 5381, G.O. 157-E Part 5.02. [10 counts].
- (3) Failed to enroll 10 employee-drivers in a mandatory Controlled Substance and Alcohol Testing Certification Program for Pre-Employment Testing, in violation of Pub. Util. Code Section 5374 (a)(1)(I) and G.O. 157-E, Part 10. [10 counts].
- (4) Failed to maintain records, in violation of Pub. Util. Code sections 5381, 5389, G.O. 157-E, Part 6.01. [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

You are hereby called upon to answer this citation on or before February 6, 2024. By way of such answer, you may either:

- Pay a fine of \$20,000 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 the 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 February 6, 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.

Fric Hooks

Eric 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 TEB Enforcement Analyst: Manal Antabli

Case: PSG-5941

INVESTIGATION REPORT

CARRIER:	Tikero Group Inc A California Corporation, 4654150 (Active)
OFFICERS:	Marianna Abrahamyan, Chief Executive Officer Davit Arakelyan, Chief Financial Officer Abel Harutyunyan, Secretary
AUTHORITY:	PSG# 39467-B, Suspended June 22, 2023
MAILING ADDRESS:	
PHONE/EMAIL:	(747) 272-5660 / <u>tikerogroup@gmail.com</u>
VEHICLES:	0
EMPLOYEE-DRIVERS:	0
PL&PD INSURANCE:	New York Marine and General Insurance Company Policy # Cancellation Date: 08/13/2023
WORKERS' COMPENSATION INSURANCE:	N/A
DRUG CONSORTIUM:	N/A

INTRODUCTION

On July 28, 2023, I was assigned to investigate the operations and practices of Tikero Group Inc (hereinafter referred to as Tikero) because of a Los Angeles International Airport (LAX) Police Department (PD) complaint alleging that Tikero was involved in unfair business practices.

VIOLATIONS

I investigated Tikero for the period of December 1, 2022, to August 11, 2023, and found violations of the following provisions of the Public Utilities (Pub. Util.) Code and a Commission General Order (G.O.):

 Engaged 10 employee-drivers¹ without evidence of Workers' Compensation (WKCP) insurance coverage in effect and on file with the Commission, in violation of Pub. Util. Code Section 5378.1. [1 count].

Pub. Util. Code section 5378.1 states in part, "A statement under penalty of perjury, stating that, in its operations as a charter-party carrier, it does not employ any person in any manner so as to become subject to the workers' compensation laws of this state."

On July 28, 2023, Eric Hooks, Program Project Supervisor of the Transportation Enforcement Branch (TEB) sent a Data Request letter to Uber, via the California Public Utilities Commission's (CPUC) secured Kiteworks database, requesting waybills generated by Tikero during the review period [Attachment 1]. Uber responded via Kiteworks, providing a spreadsheet showing Tikero had 10 employee-drivers [Attachment 2 shows a sample of entries in a spreadsheet]. The Commission's Transportation Licensing and Analysis Branch (TLAB) records show that Tikero has never had an active WKCP insurance policy in effect and on file with the Commission. Tikero completed and signed a WCKP Declaration form and Driver Statement of

¹ On August 25, 2023, Uber responded to

data request and Uber provided a "Confidential

was a spreadsheet (waybill log) from Uber showing Tikero had 274 drivers operating with the carrier. Due to the massive amount of data, a sample of 10 drivers for the following dates December 1, 2022, and May 1-3, 2023, will be used to substantiate the WKCP and DMV EPN violations.

Applicant form stating Tikero has no employees and has only one driver [Attachment 3]. My investigation disclosed that Tikero operated for 4 days and completed 83 trips without evidence of WKCP insurance [Table 1 and Attachment 2].

Number of Drivers	Driver	Dates of Operation	Total Trips	
1		12/1/2022	4	
2		12/1/2022	1	
3		12/1/2022	8	
4		12/1/2022	3	
5		12/1/2022	1	
6		12/1/2022	2	
7		12/1/2022, 5/1/2023, 5/2/2023	10	
8		12/1/2022, 5/1/2023, 5/2/2023	10	
9		5/1/2023, 5/2/2023	33	
10		12/1/2022, 5/1/2023, 5/3/2023	11	
Total		(4 different days)	83	

Table 1 - Dates Driven without WKCP insurance and enrollment in DMV EPN Program

• Failed to enroll 10 employee-drivers in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) program, in violation of Pub. Util. Code Sections 5374(a)(1)(D), 5381, and G.O. 157-E Part 5.02. [10 counts].

A search of Tikero's DMV EPN program with requester code shows Tikero has been enrolled in the program since November 2, 2020. The program shows Davit Arakelyan the Chief Financial Officer as the only one enrolled in the program, but not the ten drivers listed in **Table 1 [Attachment 4 and Footnote 1].**

• Failed to enroll 10 employee-drivers in a mandatory Controlled Substance and Alcohol Testing Certification Program for Pre-Employment Testing, in violation of Pub. Util. Code Section 5374(a)(1)(I) and G.O. 157-E, Part 10. [10 counts].

All charter-party carrier applicants who propose to employ any driver who will operate a vehicle having a seating capacity of 15 persons or less, including the driver, must provide for a

mandatory controlled substance and alcohol testing certification program for those drivers as required by the G.O. unless all such drivers are already covered by federal testing regulations.

On December 5, 2023, a Data Request was sent to New Era Drug Testing LLC (hereinafter New Era) via the following email address: <u>support@neweradrugtesting.com</u>, requesting Tikero's drivers enrollment information for the review period. On December 6, 2023, New Era responded to the Data Request [Attachment 5], indicating that the ten drivers listed in Table 1 [Footnote 1] were not enrolled in the drug consortium.

• Failure to maintain records, in violation of Pub. Util. Code 5381 & 5389 and G.O. 157-E, Part 6.01. [1 count].

On August 14, 2023, a Data Request [Attachment 6] was sent to Tikero via certified mail and the following email address: <u>tikerogroup@gmail.com</u>. Tikero contacted me on September 15, 2023, via email providing me with responses for all documentation requested. Davit Arakelyan, the Chief Financial Officer of Tikero, informed me that he did not have waybills for the review period. On August 25, 2023, Uber provided confidential records [Footnote 1] showing Tikero had waybills for December 1, 2022, to May 3, 2023. My investigation disclosed that Tikero failed to maintain the requested records.

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 January 17, 2024 at Los Angeles, California.

Manal Antabli

Manal Antabli, Enforcement Analyst

List of Attachments

- Attachment 1. Uber Data Request Letter 07-28-2023
- Attachment 2. Tikero 10 Employee-Drivers Sample
- Attachment 3. Worker's Compensation Declaration Form TL706K
- Attachment 4. Tikero's DMV EPN
- Attachment 5. Drug Consortium Response to Data Request
- Attachment 6. Tikero Data Request

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STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION 505 Van Ness Ave. San Francisco, CA 94102



VIA ELECTRONIC MAIL ONLY

July 28, 2023

Uber Technologies, Inc. **TCP: 38150-A** 1515 3rd Street San Francisco, CA 94158 Email: Lee, Jane <u><jylee@uber.com</u>>

Data Request: (Uber Black platform/allegations of fraudulent passenger-carrier activity taking place on or around the Los Angeles International Airport (LAX)

Due Date:August 11, 2023

To Uber Technologies, Inc.:

The California Public Utilities Commission's (CPUC) Consumer Protection and Enforcement Division (CPED) seeks the information listed in the attached data request, pursuant to CPUC authority under Public Utilities Code §§ 311, 314, 581, 582, 584 and 5389.

Please submit the requested information on or before Friday, August 11, 2023, to:

Eric Hooks California Public Utilities Commission Consumer Protection and Enforcement Division Email: <u>eric.hooks@cpuc.ca.gov</u> Phone: (415) 703-2302

With a copy to:

Kenneth Bruno California Public Utilities Commission Consumer Protection and Enforcement Division Email: <u>kenneth.bruno@cpuc.ca.gov</u> If for any reason, Uber Technologies, Inc. (Uber) is unable to complete the data response by this date, please provide a written explanation to me as soon as possible, and no later than 5:00 pm on Friday, **August 4, 2023**, as to why Uber cannot meet the response date and when the information will be provided.

If a request, definition, or instruction is unclear then please notify me as soon as possible. Please answer the request in full and specify the reason if Uber is unable to respond to any portion of the Data Request.

Thank you for your cooperation.

Sincerely,

Fic Hooks for

Kenneth Bruno, Chief California Public Utilities Commission Consumer Protection and Enforcement Division Transportation Enforcement Branch <u>kenneth.bruno@cpuc.ca.gov</u> 213-220-5980

DEFINITIONS AND INSTRUCTIONS

You are instructed to answer the following Data Requests with written, verified responses per Public Utilities Code §§ 309.5 and 314, and Rules 1.1 and 10.1 of the California Public Utilities Commission's Rules of Practice and Procedure. For any questions, email the contact above.

Each Data Request is continuing in nature. Provide your response as it becomes available, but no later than the due date noted above. If you are unable to provide a response by this date, notify CPED as soon as possible, with a written explanation as to why the response date cannot be met and a best estimate of when the information can be provided. If you acquire additional information after providing an answer to any request, you must supplement your response following the receipt of such additional information.

Identify the person providing the answer to each data request and his/her contact information. Responses should be provided in the original electronic format, if available, and in an easily accessed digital copy using Word, Excel, PDF, etc. (If available in Word format, send the Word document and do not send the information as a PDF file.) All electronic documents submitted in response to this data request should be in readable, downloadable, printable, and searchable formats, unless use of such formats is infeasible. Each page should be numbered. If any of your answers refer to or reflect calculations, provide a copy of the supporting electronic files that were used to derive such calculations, such as Excel-compatible spreadsheets or computer programs, with data and formulas intact and functioning.

If a request, definition, or an instruction, is unclear, notify CPED as soon as possible. In any event, answer the request to the fullest extent possible, specifying the reason for your inability to answer the remaining portion of the Data Request.

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DATA REQUEST

The following Data Request relates to allegations of fraudulent passenger-carrier activity taking place on the Uber Black platform and around the Los Angeles International Airport (LAX), which TEB put Uber on notice of on April 27, 2023, and was the subject of the July 12, 2023 meeting between Uber and CPED/TEB representatives.¹

- 1. Provide a narrative explanation summarizing the alleged fraudulent activity investigated by Uber.
- 2. Please provide any and all documents related to Uber's internal investigation into the allegations of fraudulent activities.
 - a. Include all fraudulent information and documents submitted to Uber (e.g., registrations, Charter-party carrier (TCP) permits and/or certificates, insurance documents, drivers' licenses, etc.) discovered by Uber as part of its investigation.
- 3. Provide the names of all individuals at Uber responsible for carrying out the investigation, including management responsible for oversight of the investigation.
- 4. If this matter was referred to or investigated by any other state or federal agency, please identify the agency, proceeding number, and contact information for the agency.
- 5. Please provide an Excel spreadsheet identifying the name of each Uber <u>employee</u> involved, the specific allegation(s) against each employee (including whether the employee violated Uber policies, Commission, or other legal authorities), the time frame of the allegations, any actions taken in response by Uber, and the date the action was taken with respect to each employee.
- 6. Please provide an Excel spreadsheet identifying the <u>passenger-carriers</u> involved in the fraudulent activities, including the following information: individual carrier names, owner names, doing business as names, actions taken by Uber with respect to the carrier, and date the actions were taken, and expected completion date of the action.
- 7. Please provide the names of each <u>passenger-carrier (carrier) involved</u> in the fraudulent activities at LAX, and provide copies of corresponding waybills from the initial date of fraudulent activity to current. Responsive waybills shall include, at a minimum, records from January 1, 2022 to current. In lieu of actual waybills, Uber may provide a spreadsheet including all waybill information per Commission General Order 157-E Part 3.01.

¹ On April 27, 2023, Mr. Kenneth Bruno spoke with Uber's Jane Lee to alert Uber of an anonymous tip regarding fraudulent activity on the Uber Black platform on or near the LAX area. On July 12, 2023, Jane Lee and other Uber representatives met with Messrs. Kenneth Bruno, Eric Hooks, Raymond Momoh and Ms. Maria C. Solis to discuss Uber's actions in investigating this matter.

- 8. Provide any sub-carrier agreements between Uber and the sub-carrier for those carriers involved in the fraudulent activity per Commission General Order 157-E Part 3.04. If a subcarrier employed or contracted with affiliates, please identify all affiliates connected to each subcarrier and their associated drivers, and provide the subcarrier agreement between the subcarrier and its affiliates.
- 9. Please provide all new or existing internal and external control measures, policies or procedures that have been implemented to prevent or deter future fraudulent <u>employee</u> activity.
- 10. Please provide all new or existing internal and external control measures, policies, procedures that have been implemented to prevent or deter future fraudulent <u>subcarrier</u> activity.

END OF REQUEST

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	12/1/2022	2		90069	90211

name_of_carrier	tcp_number	license_plate	driver_name
TIKERO GROUP INC	39467		
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begintrip_timestamp	dropoff_timestamp
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rider_first_name	begin_zip	dropoff_zip
	90037	90094
	90046	90028
	90036	90036
	90069	91504
	90210	90069
	90210	90210
	90048	90212
	90067	90069
	90067	90210
	90212	90212
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	90067	90210
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	90069	90210
	90293	90292
	90012	90293
	90212	90212
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	90067	90212
	90210	90035
	90212	90210
	90210	90210
	90210	90012
	90069	90069
	90210	90069
	90067	90210
	90210	92625
	90210	90210
	90069	90069
	90069	90046
	90024	90210
	90024	91406
	90024	90210
	90024	90210
	90212	90045
	90028	90028
	90045	90290
	90045	90069
	90068	91608
	90045	90027
	90045	90045

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA WORKERS' COMPENSATION DECLARATION FORM

Carrier Name: <u>Tikew</u>	Group INC	

	YOUR FILE NUMBER
PSG#:	

When you fill out this form, remember that the term "employee" includes clerical persons as well as drivers and any other persons employed in your carrier operations.

If your business is an OUT OF STATE CORPORATION, please note that you are not subject to the workers' compensation laws of California unless you have employees who reside in California. If you have employees who reside in California, check "B" below; if not check "A".

If you employ persons in your carrier operations in any manner that makes you subject to the workers' compensation laws of California, have your insurance company submit proof of insurance via PUC Insurance **E-Filing** or a certificate of consent to self-insure issued by the Director of Industrial Relations.

Check one of the following (read both before choosing):

- A. I DO NOT HAVE ANY EMPLOYEES. If I hire employees in the future, I will submit an amended Workers' compensation Declaration Form to the Commission and contact my insurance company at once and have the required certificate of coverage mailed to the Commission.
- B. DO HAVE EMPLOYEES. (This box also applies to applicants for a permit or certificate who do not now have employees, but will employ workers upon commencement of operations.) I will contact my insurance company and have the required certificate of coverage mailed to the Commission. I understand that the Commission will not issue or reinstate a permit or certificate until it receives my certificate of coverage.

CERTIFICATION

I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirement regarding workers' compensation and that I (we) am (are) able to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: 11/24/2020

Higkelyon Print Name of Applicant(s) Signature of Applicant(s) te Officer en Title of Corporate Officer

Driver Name	.	ster Code	Add Date	Delete Date	Status
ARAKELYAN DAVIT		}	11/02/2020		Enrolled

PUBLIC UTILITIES COMMISSION 505 Van Ness Avenue San Francisco, CA 94102



December 5, 2023

New Era Drug Testing LLC Attn: Danny Yagubyan 801 South Glenoaks Blvd., Suite 200 Burbank, CA 91502

Email: support@neweradrugtesting.com

Dear Danny Yagubyan:

Re: Data Request No.

Data Request for Review period December 1, 2022, through August 11, 2023

Passenger Carrier Company: Tikero Group, Inc., TCP 39467 B Attn: Davit Arakelyan

Due Date: December 8, 2023

The California Public Utilities Commission's (CPUC) Consumer Protection and Enforcement Division (CPED) requests the information listed on the attachment. If you have any questions, do not hesitate to contact me via email, manal.antabli@cpuc.ca.gov or telephone, (213) 248-0979. Please provide the information on or before December 8, 2023, to email to manal.antabli@cpuc.ca.gov

If for any reason, you are unable to respond to this data request by December 8, 2023, please provide a written explanation by 5:00 p.m. on December 6, 2023, explaining why you cannot meet the due date, and when you anticipate providing the requested information.

Thank you for your cooperation.

Sincerely,

Manal Antabli, Enforcement Analyst Consumer Protection and Enforcement Division Transportation Enforcement Branch Email: manal.antabli@cpuc.ca.gov Telephone: (213) 248-0979

cc: Eric Hooks, Program & Project Supervisor

Attachment

Data Request for Review period December 1, 2022, through August 11, 2023

- 1. The date Tikero Group, Inc. was enrolled and the expiration date.
- 2. Status of the Tikero Group, Inc.'s contract. Were they in compliance during the review period in question and what is their current status?
- 3. List of all drivers enrolled under this Tikero Group, Inc.'s contract with your consortium; include dates drivers were added or deleted.
- 4. Were the drivers listed below enrolled in Tikero Group, Inc.'s drug consortium program during the review period?

1.			
2.			
2. 3. 4. 5. 6.			
4.			
5.			
6.			
7.			
7. 8. 9.			
9.			
10.			

None of these drivers were listed as drivers in the consortium.

5. If the contract is no longer active, please state the reason(s). Per Davit, they are no longer in business. Requested to terminate 09/12/2023

STATE OF CALIFORNIA

PUBLIC UTILITIES COMMISSION 505 Van Ness Ave. San Francisco, CA 94102 Gavin Newsom, Governor



TCP: 39467-B (Suspended) Case No.: PSG-5941

August 14, 2023

Tikero Group, Inc.

Subject: Data Request

Dear Tikero Group, Inc.:

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 Tikero Group, Inc. 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).

We are requesting that you present your documents listed below in electronic form. Please scan the following documents and email a copy to Manal Antabli at <u>manal.antabli@cpuc.ca.gov</u> by August 28, 2023.

- 1. Your current public liability and property damage insurance policy showing schedule of vehicles and drivers insured,
- 2. Your current workers' compensation insurance policy,
- 3. List of all current sub-carriers and agreements,
- Current service agreement with your Drug Consortium and a list of all drivers enrolled showing dates added and/or deleted,

- 5. Vehicle accident records including insurance loss runs showing dates of accidents and drivers' names for the last five (5) years,
- 6. Last three (3) years of filed Federal and State Income Tax Returns,
- 7. Other Fictitious Business Names (FBN) doing business as (dba),
- 8. All pre-employment and random drug test results for all your drivers within the last six (6) months,
- 9. Waybill records for all drivers operating under the TCP 39467-B from December 1, 2022, to August 11,

2023, and

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 redaction of confidential material.

If you have any questions, please do not hesitate to call me at 213-248-0979 or e-mail <u>manal.antabli@cpuc.ca.gov</u>.

Sincerely,

Manal Antabli

Manal Antabli, Enforcement Analyst California Public Utilities Commission Consumer Protection and Enforcement Division Transportation Enforcement Branch Email: <u>manal.antabli@cpuc.ca.gov</u> Telephone: 213-248-0979

cc: Eric Hooks, Program and Project Supervisor