

Public Utilities Commission STATE OF CALIFORNIA

CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

To: London Rose Tours LLC File: TCP 35829 – Active

Attn: Hector Ocegueda Date: January 17, 2024

Citation #: T.24-01-006

El Centro, CA Case #: PSG-5910

VIOLATIONS

You are hereby cited with having violated sections of the Public Utilities Code (P.U. Code) and California Public Utilities Commission (CPUC) General Order (G.O.) as described below. These violations occurred April 13, 2023.

- (1) Failed to maintain a current equipment statement, in violation of Pub. Util. Code Sections 5381, G.O. 157-E Part 4.01 [3 counts]; and
- (2) Failed to enroll driver in the Department of Motor Vehicles (DMV) Employer Pull 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 [3 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

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 February 9, 2024. By way of such answer, you may either:

- (1) Pay a fine of \$4,000.00 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 February 9, 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

Consumer Protection and Enforcement Division Transportation Enforcement Branch

Telephone number (415) 816-5754

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

Attachments

Case: PSG-5910

INVESTIGATION REPORT

CARRIER: London Rose Tours, LLC

OFFICER: Hector Ocegueda

AUTHORITY: TCP 35829-S Active

ADDRESS:
El Centro, CA

PHONE/EMAIL: (760) 259-3630

lrosetours@gmail.com

VEHICLE: 1

DRIVERS: 4

PL&PD INSURANCE: National Liability & Fire Insurance Company

Policy #

Policy Effective Date: February 22, 2023

WORKERS' Berkshire Hathaway Insurance Companies

COMPENSATION Policy #

INSURANCE: Policy Effective Date: December 4, 2021

DRUG

CONSORTIUM: Valley Testing

REVENUE: Year Declared Revenue

INTRODUCTION

On June 6, 2023, I was assigned to investigate London Rose Tours, LLC, doing business as London Rose Tours (hereinafter referred to as London Rose), for failure to list three of their buses in their equipment statement following an inspection by the California Highway Patrol (CHP) during a compliance inspection at Coachella, California (CA) on April 13, 2023.

HISTORY OF ENFORCEMENT

On August 9, 2017, London Rose Tours, LLC was investigated because of a complaint alleging that the carrier was observed operating without workers' compensation coverage for drivers and vehicles with no TCP markings. The investigation disclosed violations of Public Utilities Codes (PUC), and General Orders (GO), and resulted in a citation.

Prior Case (PSG-4486): On October 31, 2017, ________, Senior Transportation Representative, served London Rose Tours LLC with Citation F-5380 in the amount of \$5,000.00 for conducting charter-party carrier "B" operations with a round trip sightseeing "S" permit, engaging one employee-driver without having workers' compensation insurance coverage, failing to maintain equipment statement, and failing to display the TCP number on the vehicle [Attachment 1]. On November 27, 2017, the carrier filed a citation appeal. On January 12, 2018, CPED and the carrier settled. Three of the four violations were withdrawn, reducing the fine to \$2,000.00. The remaining violation was for engaging one employee-driver without having workers' compensation insurance coverage.

VIOLATIONS

The June 6, 2023, investigation disclosed violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (GO):

• Failed to maintain a current equipment statement, in violation of Pub. Util. Code Sections 5381, G.O. 157-E Part 4.01 [3 counts]

On April 13, 2023, the CHP conducted compliance inspections on buses checking in for the Coachella Valley Music and Arts Festival. London Rose operated buses with license plate numbers and [Attachment 2], respectively, at Indio, CA. A search of the license

plate numbers in the California Public Utilities Commission (CPUC) Transportation Carrier Portal (TCPortal) confirmed that the buses were not included in London Rose's equipment statement.

On June 27, 2023, I called and left a voicemail message for Hector Ocegueda Sr, owner of London Rose, to inform about the findings. I requested that the account be updated to include the unlisted buses in the equipment statement. I sent a follow-up email on June 30, 2023, and advised the owner to update London Rose's account by July 7, 2023. On August 23, 2023, I placed a second call and left a voicemail message for Hector Ocegueda Sr. I sent an email message to follow up on August 24, 2023, and requested that the account be updated by August 28, 2023 [Attachment 3]. As of December 21, 2023, the buses are not listed in London Rose's equipment statement in the TCPortal [Attachment 4].

 Failed to enroll driver in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) program, in violation of Pub. Util. Code Sections 5374(a)(1)(D), G.O. 157-E Part 5.02, and the California Vehicle Code (CVC) Section 1808.1 [3 counts].

on on April 13, 2023, in Indio, CA, di	scovered that the following drivers
, license num	ber ,
and	, license number
2022 1 D1 21 2022 4-	D
, 2023, and December 21, 2023, in the	e Department of Motor Venicles
(EPN) system, revealed that drivers	,
] were not enrolled in	n the EPN program under London
[Attachment 5].	
	, license num and and 2023, and December 21, 2023, in the (EPN) system, revealed that drivers were not enrolled in

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 as to those matters, I believe to be true.

Executed on January 17, 2024 in San Francisco, California

Pamela Wu

Pamela Wu Public Utilities Regulatory Analyst

List of Attachments

Attachment 1	Citation F-5380 – 10/31/17
Attachment 2	Picture of buses and California Highway Patrol Inspection Reports
Attachment 3	Follow up Letters
Attachment 4	TCPortal Equipment Statement – 12/21/23
Attachment 5	Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) — 12/21/23

ATTACHMENT 1



Public Utilities Commission

STATE OF CALIFORNIA

CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

To: London Rose Tours LLC

El Centro, CA

File: TCP 35829 S

Date: October ____, 2017

Citation #: F - 5380

Case #: PSG - 4483

VIOLATIONS

You are hereby cited with having violated sections of the Public Utilities Code (PUC) and General Order (G.O.) as described below. These violations occurred during the period May 1, 2017 through July 31, 2017:

- (1) Conducted charter-party carrier "B" operations with a round trip sightseeing "S" permit in violation of PUC Code Sections 5371 and 5384 (c) [77 counts];
- (2) Engaged one (1) employee-driver without having evidence of workers' compensation insurance coverage in effect and on file with the Commission in violation of PU Code Section 5378.1 [1 count];
- (3) Failed to maintain current equipment statement with the Commission in violation of PIC Section 5381 and G.O. 157-D, Part 4.01 [1 count]; and
- (4) Failed to display the TCP number on vehicle in violation of PUC Section 5381 and G.O. 157-D, Part 4.04 [1 count].

STATEMENT OF FACTS

The above violations are documented in the attached investigator's summary 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
(1) Pay a fine of \$5,000 pursuant to PUC Sections 5378. (Submit a cashier check or money order payable to California Public Utilities Commission using the attached <i>Citation Compliance Agreement</i> form. 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) 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 within the 20 calendar days, you will be in default of the citation and will have forfeited your right to appeal the citation. In addition, your operating authority will be immediately suspended and subsequently revoked, pursuant to Resolution ALJ-187. The Commission may also take action through a civil or criminal proceeding to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.
Haydee Clarke
Senior Transportation Representative, Badge #10
Transportation Enforcement Section
Consumer Protection and Enforcement Division

Attachments



Public Utilities Commission

STATE OF CALIFORNIA

File No.: TCP 35829 S

Citation #: F - 5380

Case #: PSG - 4483

CITATION COMPLIANCE AGREEMENT

I hereby agree to comply with th	is citation dated	, and herewith pay the fine
of \$5,000.		
	Hector E. Ocegueda, Mana London Rose Tours LLC El Centro, CA	aging Member
	(Signature)	(Title)
	(Da	te)

Payment should be made payable to California Public Utilities Commission and sent to:

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

Attachment 2









California Highway Patrol 9330 Farnham Street San Diego, CA 92123 Phone: (858) 944-6349

Internationally Accredited Agency CHP407F/343A

Report Number:

Inspection Date: 04/13/2023

Start: 5:40 PM PT End: 6:40 PM PT Inspection Level: II - Walk-Around

HM Inspection Type: None

Carrier: LONDON ROSE TOURS LLC

DBA: LONDON ROSE TOURS

EL CENTRO, CA, USDOT: 2565444

Phone#: (760)259-3630 Fax#:

License#: Date of Bi CoDriver: License#:

Driver:

State:

State:

MC/MX#: State#:

Location: 81455 AVE 50, INDIO, CA

Highway: AVE 50 County: RIVERSIDE

Date of Birth: Shipper: N/A Milepost: Origin: EL CENTRO, CA

Bill of Lading: N/A Cargo: EMPTY **Destination: COACHELLA, CA**

Email:

VEHICLE IDENTIFICATION Unit Type Make Year State
1 BU SCAN 2010 CA

Equipment ID WHI 10

VIN

GVWR CVSA Existing

CVSA#

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Section 24252(a) CVC/001 1242(d) T-13 CCR/001

 Type
 Unit
 OOS
 Citation #
 Verify Crash
 Violations Discovered

 S
 1
 N
 N
 N
 N
 Required lamp(s) inoperative—393.9–Specify:: RIGHT FRONT CLEARANCE LAMP INOP. LIST INTERMEDIATE TURN SIGNAL INOP, LICENSE PLATE LAMP INOP.

 S
 1
 N
 N
 Fire extinguisher not securely mounted—393.95A: FIRE EXTINGUISHER LAYING ON
 ITS SIDE, NOT STRAPPED/MOUNTED

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

State Information:

Odometer: 713410; Fuel Type: D; Passenger Capacity: 54; Bus Type: 1; School Bus Cert: 1/13/2023 12:00:00 AM; Beat/Sub Area: 859; Special Project Code: 467; Regulated Vehicle: Y; Pre-Cleared Vehicle: N; Veh #1 Type: 10

Co-Inspector(s): Rodrigo (A15494)

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispatch. Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.



Report Prepared By:

X

Copy Received By

02565444 CA CAUG3J000358

Page 1 of 1

State:



California Highway Patrol 9330 Farnham Street San Diego, CA 92123 Phone: (858) 944-6349

Internationally Accredited Agency CHP407F/343A

Report Number: Inspection Date: 04/13/2023

Start: 5:45 PM PT End: 6:12 PM PT Inspection Level: II - Walk-Around

HM Inspection Type: None

Carrier: LONDON ROSE TOURS LLC **DBA: LONDON ROSE TOURS**

EL CENTRO, CA, Phone#: (760)259-3630

USDOT: 2565444 MC/MX#: 905240 State#:

Location: 81455 AVE 50, INDIO, CA

Highway: AVE 50 County: RIVERSIDE Email:

Driver: License#:

Date of Birth: CoDriver: License#:

Date of Birth: Shipper: N/A

Origin: CALEXICO,CA **Destination: INDIO, CA**

Milepost:

State:

Bill of Lading: N/A Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit Type Make Year State BU MCI 2009 CA

Equipment ID 08/ WHT

GVWR CVSA Existing 54000

CVSA#

BRAKE ADJUSTMENTS:No brake measurements required for level II or level III

VIOLATIONS

Motor carrier fail to ensure general maintenance of vehicle—396.3A1—Specify:: V1 X3 L/S STABILIZER LINK BUSHING LOOSE. Citation # Verify Crash Violations Discovered Type Unit OOS CP Section N 1232(a) T-13 S N Required lamp(s) inoperative--393.9--Specify:: LIC PLATE LAMP INOP. CCR/001 N N 24252(a) S CVC/001 Other brake violations--396.3A1B--Specify:: ABS LIGHT ON. Motor carrier fail to ensure general maintenance of vehicle—396.3A1—Specify:: MAIN ENTRY DOOR NOT FUNCTIONING PROPERLY. N 26453 CVC/025 S N 1232(a) T-13 CCR/001

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

Odometer: 806138; File Code Number: 485489 PUC: 35829; Fuel Type: D; Passenger Capacity: 56; WC Passenger Capacity: 0; Bus Type: 1; Beat/Sub Area: 850; Special Project Code: 467; Regulated Vehicle: Y; Pre-Cleared Vehicle: N; Veh #1 Type: 10

Co-Inspector(s):

Diaz (A12597)

Notes: TCP - ACTIVE (VEHICLE INSPECTED NOT LISTED ON ACTIVE PUC EQUIPMENT LIST)

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispateh: Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.

Report Prepared By: ID/Badge #:

Copy Received By:

02565444 CA CAUEBH002357

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SM			
CHPAN	75/2424		

Inexact 1 124 8374

DRIVER/VEHICLE E	XAMINATION REPORT
California Highway Patrol 9330 Farnham Street San Diego, CA 92123 Phone: (858) 944-6349 Carrier: LONDON CONTRACT PAIR CONTRACT P	Report Number: Inspection Date: 04/13/2023 Start: 6:25 PM PT End: 6:40 PM PT Inspection Level: II - Walk-Around HM Inspection Type: None
DBA: LONDON ROSE TOURS DI	iver:
	cense#: State: V
LE CENTRO, CA, TOTAL	ate of Birth:
	Driver:
	cense#: State:
State#: D	ate of Birth:
Location: 81455 AVE 50 Milepost:	Shipper: N/A
	. CENTRO,CA Bill of Lading: N/A
County: RIVERSIDE Destination	on: COACHELLA,CA Cargo: EMPTY
Email:	
VEHICLE IDENTIFICATION	
Unit Type Make Year State Plate Equipment ID	VIN GVWR CVSA Existing CVSA #
1 BU MCI 2010 CA WHT 05	38605
BRAKE ADJUSTMENTS: No brake measurements require	d for level II or level III
VIOLATIONS Section Type Unit OOS Citation # Verify Crash Violation Verify Crash Violation N N Condition CVC/001 N N N Condition PIECE VIOLATION N N N Condition VIOLATION N N Condition VIOLATION N N VIOLATION N N VIOLATION N N VIOLATION N VIOL	s <u>Discovered</u> n of windshield is other than described in 393.60(c) T-49-393.60c-Specify:: 2 VINDSHIELD CRACKED RIGHT AND LEFT SIDE
HazMat: No HM transported	Placard: Cargo Tank:
Special Checks: Alcohol/Controlled Substance Check	Traffic Enforcement Post Crash Inspection
Conducted by Local Jurisdiction	PASA Conducted Inspection PBBT Inspection
X Size and Weight Enforcement	Drug Interdiction Search
eScreen Inspection	
State Information; Odometer: 1223526; PUC: 35829; Puel Type: D; Passenge Beat/Sub Area: 859; Special Project Code: 467; Regulated	r Capacity: 54; WC Passenger Capacity: 0; Bus Type: 1; Vehicle: Y; Pre-Cleared Vehicle: N ; Veh #1 Type: 10
Co-Inspector(s):	

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispatch. Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.

DII Copy Received By:

Report Prepared By: Unit #:

ID/Badge #:



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Attachment 3

From: <u>Wu, Pamela</u>

To: Irosetours@gmail.com

Subject: PSG-5910 London Rose Tours **Date:** Priday, June 30, 2023 1:42:00 PM

Good afternoon, Hector Ocegueda Sr,

On Tuesday, June 27, 2023, I called and left you a voicemail message at 760-259-3630 regarding the information below.

On April 13, 2023, the California Public Utilities Commission (CPUC) conducted bus inspections in conjunction with the California Highway Patrol (CHP) at Coachella and found that London Rose Tours did not have the following items listed in CPUC's Transportation Carrier Portal (TCPortal).

Buses not listed:

License #:		VIN	License #:	
VIN-	License #:		VIN-	

Drivers not listed:

It is unlawful for a TCP carrier to permit operation of a vehicle and/or drivers operating buses without PUC authority.

Update your account at: <u>Welcome to TCP Portal (ca.gov)</u> by Friday, July 7, 2023. Otherwise, you may be cited for the following violations:

Public Utilities Code 5387, Operating without TCP authority General Orders 157-E, Part 4.01, Equipment not on file

Please contact me if you have any questions.

Pamela Wu

Public Utilities Regulatory Analyst California Public Utilities Commission Consumer Protection and Enforcement Division Transportation Enforcement Branch

415-703-2807

From: Wu, Pamela
To: Irosetours@gmail.com

Subject: TCP-35829 - London Rose Tours, LLC -- PSG-5910

Date: Thursday, August 24, 2023 3:10:00 PM

Good afternoon, Hector Ocegueda Sr,

Yesterday afternoon, I called and left you a voicemail message at 760-259-3630 regarding equipment not on file at the California Public Utilities Commission (CPUC). This is a follow up call regarding a call to you, on June 27, 2023, and an email sent to you, on June 30, 2023, at

On April 13, 2023, the California Public Utilities Commission (CPUC) conducted bus inspections in conjunction with the California Highway Patrol (CHP) at Coachella and found that London Rose Tours did not have the following items listed in CPUC's Transportation Carrier Portal (TCPortal).

Buses not listed:

License #: VIN License #: VIN License #: VIN License #:

Please update your account at: Welcome to TCP Portal (ca.gov) by Monday, August 28, 2023.

Otherwise, you may be cited for the following violations:

General Orders 157-E, Part 4.01, Equipment not on file

Please contact me if you have any questions.

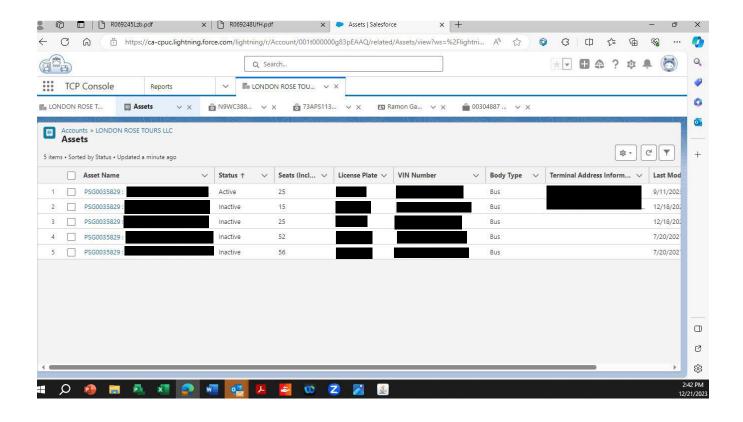
Pamela Wu

Public Utilities Regulatory Analyst California Public
Utilities Commission
Consumer Protection and Enforcement Division Transportation
Enforcement Branch

415-703-2807

Attachment 4

TCPortal Equipment Statement – 12/21/23



Attachment 5

Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Requestor Code 12/21/23



Driver List					
Driver Name	DL Number	Requester Code	Add Date	Delete Date	Status
	D0070440	07510	11/28/2017		Enrolled
			10/26/2018		Enrolled
4			10/10/2016		Enrolled
			10/26/2018		Enrolled