

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

February 7, 2020

Agenda ID #18157

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-376:

This is the draft Resolution of Administrative Law Judge (ALJ) Andrea McGary regarding affirming, in part, Citation F-5545 Issued May 2, 2019, as amended on October 31, 2019, by the Safety and Enforcement Branch, Consumer Protection and Enforcement Division to AMIR KHOURI and closing Appeal proceeding K.19-08-017. It will not appear on the Commission's agenda sooner than 30 days from the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft resolution, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own order. Only when the Commission acts does the resolution become binding on the parties.

You may serve comments on the draft resolution. Comments shall be served (but not filed) within 20 days of the date that the draft Resolution is noticed in the Commission's Daily Calendar, <http://docs.cpuc.ca.gov/SearchRes.aspx?DocTypeID=9&Latest=1>, as provided in Rule 14.5 of the Commission's Rules of Practice and Procedure. Comments shall be served upon all persons on this proceeding's service list.

Finally, comments must be served separately on ALJ McGary at adr@cpuc.ca.gov, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANNE E. SIMON

Anne E. Simon

Chief Administrative Law Judge

AES:gp2

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-376
Administrative Law Judge Division
[Date]

RESOLUTION

RESOLUTION ALJ-376. Affirming, in part, Citation F-5545 Issued May 2, 2019, as amended on October 31, 2019, by the Safety and Enforcement Branch, Consumer Protection and Enforcement Division to AMIR KHOURI and closing Appeal proceeding K.19-08-017.

SUMMARY

This resolution affirms, in part, Citation F-5545 issued to Khouri Amir Faiz, an individual and *doing business as* (d/b/a) Classic Limousine and Sedan Service¹, by the California Public Utilities Commission's Consumer Protection and Enforcement Division and closes this Appeal proceeding. Citation No. F-5545 issued a fine of Five Thousand Dollars (\$5,000.00) for four (4) violations of the Public Utilities (Pub. Util.) Code and the California Public Utility Commission's (Commission) General Orders 115-F and 157-D, totaling fifty-four (54) counts, during the period of April 1, 2018 through June 30, 2018. Citation No. F-5545 is affirmed only as to forty (40) counts asserted for the period June 1, 2018 through June 30, 2018 and collection of \$2500.00 of the original \$5000.00 fine is suspended on the condition that Khouri Amir Faiz individually and d/b/a Classic Limousine and Sedan Service a/k/a Amir Khouri does not receive citations for any future violations in the next twenty-four (24) months.

¹ Citation No. F-5545 was issued in the name of "Khouri Amir Faiz d/b/a Classic Limousine and Sedan Service" on April 17, 2019. The appeal of Citation No. F-5545 was filed in the name "Amir Khouri." For the purpose of this resolution Khouri Amir Faiz d/b/a Classic Limousine and Sedan Service" and "Amir Khouri" shall sometimes hereinafter collectively be referred to as "Appellant Khouri."

BACKGROUND

Pursuant to California Public Utilities Code §§ 5351 et seq., the Passenger Charter-Party Carrier's Act, and California Public Utilities Commission (Commission) Resolution ALJ-187,² on April 17, 2019, the Safety and Enforcement Branch, Consumer Protection Enforcement Division (CPED) issued Citation F-5545 to Appellant Khouri for violations of the California Public Utilities (Pub. Util.) Code and the Commission's General Order (GO) 115-F and GO 157-D for the period April 1, 2018 through June 30, 2018 as follows:

- 1) Licensing: Operated as a charter-party carrier after revocations of authority, in violation Pub. Util. Code § 5379 [26 Counts];
- 2) Insurance: Operated as charter-party carrier without evidence of Public Liability and Property Damage (PLPD) insurance coverage in effect and on file with the Commission, in violation of Pub. Util. Code §§ 5391 and 5381, and GO 115-F [26 Counts];
- 3) Production of Records: Failed to produce records in violation of Pub. Util. Code §§ 5389 and 5381, and GO 157-D, part 6.02 [1 Count]; and
- 4) Maintenance of Records: Failed to maintain records in violation of Pub. Util. Code § 5381 and GO 157-D, part 6.01 [1 Count].

Appellant Khouri filed a timely appeal of Citation F-5545 on August 28, 2019.³ The Citation Appeal hearing was held on October 31, 2019 at the Commission's San Francisco Headquarters, 505 Van Ness Avenue, San Francisco, California, 94102 (Hearing). Appellant Khouri appeared at the October 31, 2019 Hearing as a self-represented party (*Pro Se*). CPED appeared and was represented by its counsel Rebecca Vorpe, Esq.

At the Hearing, CPED made an oral motion to amend the underlying citation 1) to reduce the counts of violations asserted against Appellant Khouri and 2) to shorten the date range of the cited violations. The motion was unopposed by Appellant Khouri and granted by the assigned Administrative Law Judge (ALJ) Andrea D. McGary. Citation F-5545, as amended, alleged that Appellant Khouri's violations occurred over a shorter

² The Commission regulates charter-party carriers of passengers pursuant to the Pub. Util. Code §§ 5351 et seq., the Passenger Charter-Party Carrier's Act. Pursuant to Commission Resolution ALJ-187, issued on September 22, 2005, CPED is authorized to issue citations to and assess fines against particular classes of transportation carriers for violations of the Public Utility Code and this Commission's General Orders.

³ Commission Resolution ALJ-299 provides the process by which a carrier may accept or appeal a citation and its related fines.

period of time from June 1, 2018 through June 30, 2018 and reduced the total violation count from 54 to 40 counts as follows:

- 1) Licensing: Operated as a charter-party carrier after revocations of authority, in violation Pub. Util. Code § 5379 [19 Counts];
- 2) Insurance: Operated as charter-party carrier without evidence of Public Liability and Property Damage (PLPD) insurance coverage in effect and on file with the Commission, in violation of Pub. Util. Code §§ 5391 and 5381, and GO 115-F [19 Counts];
- 3) Production of Records: Failed to produce records in violation of Pub. Util. Code §§ 5389 and 5381, and GO 157-D, part 6.02 [1 Count]; and
- 4) Maintenance of Records: Failed to maintain records in violation of Pub. Util. Code § 5381 and GO 157-D, part 6.01 [1 Count].

EVIDENCE

CPED's Documentary Evidence and Witness Testimony Summary:

At Hearing, CPED offered into evidence its September 12, 2019 file endorsed *Compliance Filing for Citation No. F-5545* and testimony of its principal witness, as summarized below:

EXHIBIT	DESCRIPTION
CPED-1	<i>Compliance Filing for Citation Number F-5545 In Accordance with Resolution ALJ-299</i> (file endorsed September 12, 2019)
CPED-2	Attachment 1: Email dated Saturday July 14, 2018 11:59 am From: <i>Steve Matias</i> To: <i>Eric Hooks</i> Cc: <i>Ow, Eric; SFO-GTC Investigators</i> Subject: <i>Classic Limo – TCP 21472 – Revoked TCP</i> Email Attachments: <i>Gateway Limousine Waybill; Photos</i>
CPED-3	Attachment 2: <u>Notice</u> : <i>Order Of Suspension</i> dated August 10, 2016 To: <i>Classic Limousine and Sedan Service; ATTN: Amir Faiz Khouri</i> From: <i>Public Utilities Commission, State of California</i> Re: <i>Charter Party TCP021472P</i> <u>Notice</u> : <i>Order of Revocation</i> dated November 8, 2016 To: <i>Classic Limousine and Sedan Service; ATTN: Amir Faiz Khouri</i>

EXHIBIT	DESCRIPTION
	<p>From: <i>Public Utilities Commission, State of California</i> Re: <i>Charter Party TCP021472P</i></p> <p><u>Notice</u>: <i>Class B Charter-Party Certificate</i> dated November 27, 2018 To: <i>Certificate No. TCP0021472-B; Amir Faiz Khouri dba Classic Limousine and Sedan Service</i> From: <i>Jeff Kasmar, Program Manager, Consumer Protection and Enforcement Division, State of California Public Utilities Commission</i></p>
CPED-4	<p>Attachment 3: <u>Chart</u>: Log dated August 29, 2018 <i>Gateway Global Trip Activity SFC-Classic-AL Sedan</i></p>
CPED-5	<p>Attachment 4: <u>Notice</u>: <i>Notice To Cease And Desist</i> dated August 29, 2018 To: <i>Amir Faiz Khouri DBA: Classic Limousine and Sedan Service</i> From: <i>Eric Ow, Investigator Bade #48, Transportation Enforcement Branch, Consumer Protection and Enforcement Division</i> Cc: <i>Eric Hooks, Senior Investigator, Badge #8</i> File: <i>TCP-21472 P – Revoked</i> Case: <i>PSG-4477</i></p>
CPED-6	<p>Attachment 5: Letter dated September 14, 2018 To: <i>Amir Faiz Khouri DBA: Classic Limousine and Sedan Service</i> From: <i>Eric Ow, Investigator Bade #48, Transportation Enforcement Branch, Consumer Protection and Enforcement Division</i> Cc: <i>Eric Hooks, Senior Investigator, Badge #8</i> Re: <i>review of business records for the period June 1, 2018 thru August 29, 2018</i></p>

During Hearing, CPED also presented live witness testimony from its principal witness Eric Ow, Investigator Badge No. 48, Transportation Enforcement Branch, CPED (Investigator Ow). Investigator Ow testified that he was assigned to investigate “Khouri Amir Faiz d/b/a Classic Limousine and Services” on August 22, 2018 after receiving a July 14, 2018 email report from the San Francisco International Airport (SFO) Ground Transportation Compliance Unit (Report). Investigator Ow testified that the Report indicated that on June 13, 2018, SFO Investigator Steven Matias viewed Appellant Khouri operating at SFO without authority to operate as a charter-party carrier of passengers and without SFO authority. (Exhibit CPED-2). Investigator Ow further testified that Appellant Khouri was investigated by CPED for “the period of June 1, 2018 and August 29, 2018.” Investigator Ow testified that at the conclusion of CPED’s investigation, he confirmed that Appellant Khouri’s Charter-Party License

No. TCP021472-P was suspended by the Commission on August 10, 2016 for failure to maintain adequate insurance and later revoked on November 8, 2016 on the same ground. (Exhibit CPED-3).

CPED contends that its investigation further concluded that Appellant Khouri applied for reinstatement of his charter-party carrier license and later obtained commercial public liability and property damage insurance coverage on or about October 29, 2018. Investigator Ow testified that although Appellant Khouri's charter-party carrier license was reinstated via the Commission's November 27, 2018 issuance of Class B Charter-Party Certificate No. TCP0021472-B, Appellant operated as an affiliate or subcontractor of Gateway Global TCP No. 3673 (Gateway) on 19 days, between June 1, 2018 and June 30, 2018, a period prior to his November 27, 2018 license reinstatement date.

In support of Investigator Ow's testimony, CPED presented Gateway *Trip Activity* logs and waybill evidence obtained from Gateway's Affiliate Manager Michael Ennis during its investigation. (Exhibit CPED-4).

Investigator Ow also testified that, as part of his investigation, he sought business and financial records directly from Appellant Khouri for the period June 1, 2018 through August 29, 2018. (Exhibits CPED 5 & 6). Investigator Ow further testified that he and Appellant Khouri met in person at 315 Northwood Dr., South San Francisco, CA on at least two (2) occasions, on or about August 29, 2018 and September 14, 2018 respectively. Investigator Ow testified that on each visit, Appellant advised him 1) that Appellant submitted all of his available records to the CPED license unit in support of his "TCP renewal application" and 2) that Appellant Khouri had no documents to provide Investigator Ow for the June 1, 2018 to August 29, 2018 period other than items already on file with the CPED license unit.

After conclusion of the CPED investigation, Appellant Khouri was cited and fined \$5000.00 on April 17, 2019 for violation of Commission 1) licensing, 2) insurance, 3) production of records, and 4) maintenance of records requirements. (Exhibit CPED 1).

Appellant Khouri's Documentary Evidence & Witness Testimony Summary:

Appellant Khouri's hearing evidence consisted of 1) Appellant's August 28, 2019 file endorsed *Citation Appeal of Amir Khouri* documentary evidence, including a single attachment titled *Reason for Appeal* and 2) Appellant's own testimony.

During the Hearing, Appellant Khouri's testified that he left the "limousine business" for several years because he was a disabled Veteran experiencing financial hardships

and significant cash flow problems while attending graduate school. Appellant further testified that Appellant Khouri allowed his charter-party carrier license to lapse for a period of time between 2016 and 2018 due to his financial hardships and his disabled status. Appellant Khouri contends that he filed paperwork required to reinstate his "TCP license" but earned money as an affiliate/contractor of Gateway Global TCP No. 3673 during the at-issue June 1, 2018 through June 30, 2018 period because he needed to "eat and earn a living." Appellant asserts that he provided his affiliate waybill when requested and utilized a *Gateway Global Affiliate* waybill photo attached to Exhibit CPED-2 as an offer of proof in support of his hearing testimony. (Exhibit CPED-2). Appellant Khouri conceded that his license was reinstated on November 27, 2018 and that while he was awaiting reinstatement of his charter-party carrier authority he operated as a Gateway Global affiliate 19 times between June 1, 2018 and June 30, 2018. Appellant did not dispute that this Commission required public liability and property insurance was reinstated on October 28, 2018 while his reinstatement application was pending.

As to the records maintenance and production violations cited by CPED, Appellant Khouri disputes Investigator Ow's testimony. Appellant Khouri testified that he was alone each time he met with Investigator Ow at his home. He asserted that he felt threatened and "uncomfortable" with Investigator Ow and the scope of the investigator's records request. Appellant testified that Investigator Ow demanded six (6) months of both 1) personal and 2) business banking and financial statements, as opposed to solely his business records. Appellant asserts that during their meetings, Investigator Ow advised that if he did not provide the requested bank statements, the pending reinstatement application would be denied and an investigation opened. Appellant further concedes that he directed Investigator Ow to the CPED license unit for review of records previously submitted in support of his reinstatement application. Appellant Khouri testified that he also attempted to show Investigator Ow a number of records via his smart phone. Appellant Khouri contends that he also contacted the Commission for help regarding his 'mistrust' of the investigators document request but was unable to resolve the matter. Appellant also testified that thereafter, on April 17, 2019, following the November 27, 2018 reinstatement of his authority to operate as a charter-party carrier, he received Citation F-5545 and subsequently filed his appeal herein.

Appellant asserts that he will have to "end" his business and "move on" if the underlying citation and penalty are not abated.

RESOLUTION OF APPEAL

Authority to Issue Citation F-5545 & Issue Fines

The Commission has broad powers to enforce legal authority affecting charter-party passenger carriers and may delegate such enforcement tasks to its CPED Staff.⁴ The Commission may cancel, revoke, or suspend any operating permit or certificate issued to a charter-party carrier of passengers for 1) violation of any provision of the Passenger Charter-Party Carrier's Act, Pub. Util. Code §§ 5351 to 5450, (the Act) and 2) violation of any operating permit or certificate, order, decision, rule, regulation, direction demand, or requirement established or issued by the Commission pursuant to the Act. In lieu of cancellation, revocation, or suspension of a charter-party carrier's certificate, a penalty may be assessed against the holder of the charter-party carrier certificate.⁵

Within the Commission's broad powers, it is also well established that CPED may conduct investigations and assess penalties for specific violations by charter-party carriers.⁶ Accordingly, CPED was authorized to issue Citation F-5545 to Appellant Khouri and to assess the at-issue \$5000.00 fine for the asserted violations of the Act.

Violation of Authorities Cited in Citation F-5545

Licensing: Regarding the licensing violations asserted in Citation F-5545, Pub. Util. Code § 5379 provides in pertinent part:

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.

The parties do not dispute that Appellant Khouri operated as a charter-party carrier of passengers from June 1, 2018 through June 30, 2018 after the November 8, 2016 revocation of Charter-Party License No. TCP021472-P. The record reflects that during the June 1 to June 30, 2018 period, Appellant Khouri operated as a charter-party carrier on 19 days prior to full reinstatement of authority to operate on November 27, 2018 via Class B Charter-Party Certificate No. TCP0021472-B. Appellant Khouri admits that he worked as an affiliate or subcontractor of Gateway Global TCP No. 3673 while reinstatement of his own charter-party license.

⁴ See Pub. Util. Code §§ 7, 2101 & 5381. See also Decision (D.) 09-05-020 at p. 8

⁵ See Pub. Util. Code § 5378(a)-(b); See also Resolution CE 2-92.

⁶ D.09-05-020 at p. 8.

CPED has established, by a preponderance of evidence, that Appellant Khouri violated Pub. Util. Code § 5379 by operating after the November 8, 2016 revocation of Charter-Party License No. TCP021472-P but before the November 27, 2018 issuance of his Class B Charter-Party Certificate No. TCP0021472-B.

Insurance: As mandated in Commission G.O. 115-G (1), “all charter-party carriers of passengers” must maintain adequate liability insurance to protect against damage to personal bodily injury and “damage to or destruction of property.” The parties do not dispute that Appellant Khouri’s public liability and property damage insurance policy was reinstated on October 29, 2018 but was not in effect between June 1, 2018 and June 30, 2018. Appellant Khouri contends that his GO 115-G required insurance lapsed between 2016 and 2018 due to financial hardships related to education expenses and his disabled status.

CPED has proven by a preponderance of evidence that, while Appellant Khouri obtained insurance coverage on October 29, 2018, Appellant violated Pub. Util. Code §§ 5391 and 5381 as well as GO 115-G by operating as a charter-party carrier on 19 days between June 1, 2018 and June 30, 2018 without evidence of public liability and property damage insurance coverage on file with the Commission.⁷

Production of Records: Pub. Util. Code § 5389(a) specifically authorizes Commission staff to inspect the “accounts, books, papers, and documents” of a charter-party carriers used in operations of its business including photocopying “at the premises of the carrier or the offices of the commission.” GO 157-E, part 6.02 requires a charter-party carrier to “afford duly authorized representatives of this Commission all reasonable opportunity” for inspection of accounts, books, papers and documents.⁸

CPED established, by a preponderance of evidence, that on August 29, 2018 and September 14, 2018 respectively, Appellant Khouri failed to produce business records to CPED Investigator Ow in response to his request for inspection and referred him back to the CPED license unit to complete his inspection. While Appellant’s objection to production of personal financial records unrelated to operation as a charter-party carrier are duly noted and might be addressed by appropriate referral within the Commission, it does not relieve Appellant Khouri from his statutory duty to produce business-only records for inspection in response to CPED’s request. In failing to produce accounts, books, papers, and documents used in operations of his charter-party carrier business, Appellant Khouri violated Pub. Util. Code § 5389 and GO 157-E, part 6.02.

⁷ Commission GO 115-G supersedes GO 115-F effective August 18, 2016.

⁸ Commission GO 157-E supersedes GO 157-D effective October 25, 2018.

Maintenance of Records: Pursuant to GO 157-E, part 6.01, a charter-party carrier is required to maintain records “which reflect information as to services performed” for a period of three (3) years. CPED established by a preponderance of evidence that on August 29, 2018 and September 14, 2018 respectively, Appellant Khouri failed to produce business records to CPED Investigator Ow for the requested time period. (Exhibits CPED 5 and 6). In the absence of production of the requested June 1, 2018 through August 28, 2018 charter-party records to CPED Investigator Ow, the Commission can only infer that Appellant Khouri’s charter-party records either did not exist or were not maintained in the manner proscribed by GO 157-E. Accordingly, the Commission affirms the cited violation of GO 157-E, part 6.01.

Reasonableness of Issuance of an Order requiring Appellant Khouri to pay the fine assessed by CPED:

In assessing the reasonableness of the \$5000.00 fine, the Commission must consider several factors. D.98-12-075 sets forth the criteria for determining the reasonableness of a fine. Specifically, it is important to consider the following:

- 1) Severity of the economic or physical harm resulting from the violation;
- 2) Conduct to prevent, detect, disclose or rectify the violation;
- 3) Financial resources of the party involved;
- 4) Public interest involved;
- 5) Totality of the circumstances; and
- 6) Commission precedent.

The facts do not indicate that economic or physical harm resulted from the violations cited against Appellant Khouri. Additionally, prior to the April 17, 2019 issuance of Citation F-5545, Appellant Khouri completed rectification steps 1) to reinstate his charter-party carrier license (November 2018) and 2) to secure adequate insurance (October 2018). Appellant Khouri testified that he will be forced out of business if he is required to pay the full \$5000.00 fine assessed in Citation F-5545. The purpose of the Citation F-5545 is not to force Appellant Khouri out of business but to encourage compliance. The totality of the circumstances, including Appellant’s rectification steps and financial and disability hardships underlying the non-compliance period, does not support a ‘winding down’ of Appellant Khouri’s business. This Commission’s goals to encourage compliance and guard the safety of the public can be accomplished by the allowing Appellant Khouri to continue to operate as a charter-party carrier of passengers on the condition that “Khouri Amir Faiz d/b/a Classic Limousine and Sedan Service” a/k/a Amir Khouri does not receive any future citations for violations for 24 months from the date of entry of this Resolution and tenders a \$2500.00 partial payment of CPED’s full \$5000.00 assessment. Thereafter, collection of the remaining

\$2500.00 balance shall be suspended during for 24 months. At expiry of the 24 months, and upon proof made to the satisfaction of the CPED that Appellant Khouri has not committed any new violations within the proscribed 24 months and remains in compliance, the suspended penalty amount of \$2500.00 shall be vacated.

SAFETY

The Commission has broad authority to regulate charter-party carriers, particularly regarding safety concerns. (*See also* Pub. Util. Code §§ 5379, 5381 and 5387). This Commission is mindful that the statutory schemes cited in support of issuance of Citation F-5545 for 1) failure to maintain adequate liability insurance and 2) operation as charter-party carrier after suspension/revocation of operating authority are intended to secure the safety of charter-party carrier passengers.

COMMENTS

Pub. Util. Code §311(g)(1) requires that a draft resolution be served on all parties and be subject to a public review and comment period of 30 days or more, prior to a vote of the Commission on the resolution.

ASSIGNMENT OF PROCEEDING

Andrea D. McGary is the assigned Administrative Law Judge for this citation appeal.

FINDINGS OF FACT

1. Amir Faiz Khouri individually and *dba* Classic Limousine and Sedan Service is a charter-party carrier of passengers as defined by Pub. Util. Code § 5355.5(a).
2. Charter-Party License No. TCP021472-P was previously assigned to Amir Faiz Khouri *dba* Classic Limousine and Sedan Service.
3. Charter-party License No. TCP021472-P was suspended by the Commission on or about August 10, 2016 for failure to maintain adequate insurance.
4. Charter-party License No. TCP021472-P was revoked by the Commission on or about November 8, 2016 for failure to maintain adequate insurance.
5. Appellant Khouri allowed his charter-party carrier license to lapse between 2016 and 2018 due to financial hardships related to education expenses and disabled status.
6. Appellant Khouri applied for reinstatement of his charter-party carrier license.

7. Appellant Khouri obtained commercial public liability and property damage insurance coverage on or about October 29, 2018.
8. Appellant Khouri's charter-party carrier license was reinstated via the Commission's issuance of Class B Charter-Party Certificate No. TCP0021472-B dated November 27, 2018.
9. Appellant Khouri operated as a charter-party carrier between June 1, 2018 and June 30, 2018, after the 2016 suspension and revocation of his charter-party carrier operating authority but before his November 27, 2018 license reinstatement date.
10. Appellant Khouri did not have appropriate commercial public liability and property damage insurance coverage in effect during the period June 1, 2018 to June 30, 2018.
11. While his application for reinstatement was pending, between June 1, 2018 and June 30, 2018, Appellant Khouri conducted 19 days of operations as a charter-party carrier without evidence of public liability and property damage insurance coverage in effect and on file with the Commission and in violation of Pub. Util. Code § 5379.
12. On or about September 14, 2018, CPED issued a written request for review of Appellant Khouri's business records for the period June 1, 2018 through August 29, 2018 inclusive, including banking and financial records.
13. Appellant Khouri was aware of his duty to maintain records reflecting charter-carrier services performed and to allow inspection of those records by CPED upon request.
14. On or September 2018 and thereafter, Appellant Khouri refused to provide banking and financial statements to CPED Investigator Eric Ow and asserted serious concerns about his personal privacy, safety, and the scope of the personal and business financial records requested by Investigator Ow.
15. CPED denies that it requested Appellant Khouri's personal account information but affirms that, as a sole proprietor business, any of Appellant's personal accounts used to conduct charter-party carrier transactions would be subject to CPED inspection.
16. By failing to produce charter-party carrier banking and financial records to CPED for inspection and directing its investigators to inspect only his documents on file with the CPED license unit, Appellant Khouri did not fully cooperate with CPED's investigation.

THEREFORE, IT IS ORDERED that:

1. The violations cited in Citation F-5545 are affirmed.
2. The penalties assessed in Citation F-5545 are affirmed, in part, subject the conditions set forth hereinbelow.
3. On the condition that Khouri Amir Faiz d/b/a Classic Limousine and Sedan Service" a/k/a Amir Khouri is not cited for any future charter party passenger carrier violations for twenty-four (24) months from the date of entry of this Resolution, collection of \$2500.00 of the original full \$5000.00 penalty assessed in Citation F-5545 is suspended.
4. The penalty amount currently due and payable by Khouri Amir Faiz d/b/a Classic Limousine and Sedan Service is \$2500.00. Appellant Khouri may either request a payment plan from the Consumer Protection Enforcement Division or make full payment of the currently due and owing \$2500.00 penalty no later than 30 days after the effective date of this Resolution. Payment of the penalty shall be by check or money order made payable to the *California Public Utilities Commission* and mailed or delivered to the Commission's Fiscal Office at 505 Van Ness Avenue, San Francisco, California 94102. The face of any check or money order shall include the notation: "For deposit to the General Fund pursuant to Resolution ALJ-367."
5. Upon expiry of 24 months from the date of entry of this Resolution, and upon proof made to the satisfaction of the Consumer Protection Enforcement Division that Appellant Khouri has not received any new charter party passenger carrier violation citations within the proscribed 24 month period and remains in compliance with all conditions of his charter-party carrier license, the suspended penalty amount of \$2500.00 shall be vacated to reflect a zero (0) balance.
6. If Khouri Amir Faiz d/b/a Classic Limousine and Sedan Service is cited for any future charter party passenger carrier violations within twenty-four (24) months of the date of entry of this Resolution, the suspended penalty amount of \$2500.00 shall become immediately due and owing. Appellant Khouri may request a payment plan from the Consumer Protection Enforcement Division.
7. This proceeding is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on _____, the following Commissioners voting favorably thereon:

ALICE STEBBINS
Executive Director

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION ALJ-376. Affirming, in part, Citation F-5545
Issued May 2, 2019, as amended on October 31, 2019, by the
Safety and Enforcement Branch, Consumer Protection and
Enforcement Division to AMIR KHOURI and closing Appeal
proceeding K.19-08-017.

INFORMATION REGARDING SERVICE

I have electronically served all persons on the attached official service list
who have provided an e-mail address for K.19-08-017.

Upon confirmation of this document's acceptance for filing, I will cause a
Notice of Availability of the document to be served by U.S. mail on all parties
listed in the "Party" category of the official service list for whom no e-mail
address is provided.

Dated February 7, 2020, at San Francisco, California.

/s/ GABRIELA PEREZ

Gabriela Perez

N O T I C E

Persons should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.

***** SERVICE LIST *****
Last Updated on 07-FEB-2020 by: AMT
K1908017 LIST

***** PARTIES *****

Amir Khouri
315 NORTHWOOD DRIVE
SO. SAN FRANCISCO CA 94080
(415) 350-7702
AmirKhouri@yahoo.com
For: Amir Khouri

Rebecca M. Vorpe
Legal Division
RM. 3206
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-4443
rv2@cpuc.ca.gov
For: CPED

***** STATE EMPLOYEE *****

***** INFORMATION ONLY *****

Valerie Beck
Consumer Protection and Enforcement Division
RM. 2206
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2665
vjb@cpuc.ca.gov

Christopher Clay
Legal Division
RM. 4300
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-1123
cec@cpuc.ca.gov

Maryam Ebke
Executive Division
RM. 5112
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-2271
meb@cpuc.ca.gov

Douglas Ito
Consumer Protection and Enforcement Division
300 Capitol Mall
Sacramento CA 95814 4309
(916) 713-4132
dit@cpuc.ca.gov

Anthony Manzo
Legal Division
RM. 5125
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 696-7306
amz@cpuc.ca.gov

Andrea McGary
Administrative Law Judge Division
RM. 5003
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5863
adr@cpuc.ca.gov

Amy C. Yip-Kikugawa
Legal Division
RM. 4107
505 Van Ness Avenue
San Francisco CA 94102 3298
(415) 703-5256
ayk@cpuc.ca.gov