
PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

January 17, 2025

Agenda ID #23263

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-469:

This is the draft Resolution of Administrative Law Judge Patricia Miles Resolving K.24-08-006. 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 was mailed and published on the Commission's website [link], 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 and on ALJ Miles at PM6@cpuc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke
Chief Administrative Law Judge

MLC:sgu

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-469
Administrative Law Judge Division
[Date]

RESOLUTION

RESOLUTION ALJ-469 - Resolves the Appeal K.24-08-006 of Jeff Flynn from T.24-07-003 issued on 7/23/24 in the amount of \$1,000 issued by the California Public Utilities Commission Consumer Protection and Enforcement Division.

SUMMARY

This resolution resolves the appeal K.24-08-006 of Jeff Flynn from citation T.24-07-003, issued by the California Public Utilities Commission (Commission) Consumer Protection and Enforcement Division (CPED) on July 23, 2024, in the amount of \$1,000, and adopts the payment agreement reached between Mr. Flynn and CPED in resolution of all issues. Mr. Flynn has agreed to pay \$100 per month, for ten months, beginning January 15, 2025.

BACKGROUND

CPED was informed (on or about April 5, 2024, by a licensed carrier operating in the Paso Robles area) that Mr. Flynn was advertising on Facebook and passing out business cards for the purpose of giving rides. CPED Analyst Mary Sekyi-Appiah called Mr. Flynn (utilizing the phone number on the business card) to inform him that he cannot operate and/or advertise transportation services to the public without the Commission's authority. On April 9, 2024, analyst Sekyi-Appiah emailed a cease and desist order to Mr. Flynn.¹

Public Utilities (Pub. Util.) Code Section 5414.5 states: "Every corporation or person who knowingly and willfully issues, publishes, or affixes, or causes or permits the issuance, publishing, or affixing, of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the corporation or person is in operation as a charter-party carrier of passengers without having a valid certificate or

¹ See Compliance Filing (Public Version) dated July 23, 2024, Investigation Report at 2 of 15.

permit issued under this chapter is guilty of a misdemeanor punishable, if an individual, by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months, or by both, or, if a corporation, by a fine of not more than five thousand dollars (\$5,000).”

A citation was issued to Mr. Flynn on July 23, 2024, which ordered him to reply or appeal by August 12, 2024.

At the prehearing conference (PHC) held on November 13, 2024, Mr. Jeff Flynn was accompanied by his wife, Mrs. Wendy Flynn. He stated that he was unaware that he needed a permit and was transporting his friends (and occasionally members of his close community) as a favor. He said he was interested in learning what is required to get authority from the Commission so he could operate legally. He and his wife claimed to have difficulty contacting the CPED analyst. The parties were ordered by the Administrative Law Judge (ALJ) to meet and confer regarding options for informal resolution of the appeal. In addition, the ALJ asked the CPED analyst to ensure that Mr. Flynn spoke with staff in the Commission’s Transportation Licensing Branch to make sure he understood the requirements for obtaining a permit.

The ALJ suspended the hearing and set a status conference for December 11, 2024. On December 9, 2024, analyst Sekyi-Appiah emailed the ALJ that the parties had achieved a settlement in the form of an agreement for Mr. Flynn to pay \$100 per month for ten months. At the December 11 status conference, Mr. Flynn stated that, on November 25, Mr. Don Wise of the Transportation Licensing Branch had spoken with him about permit requirements. Mr. Flynn indicated that he could not afford a permit but, instead, would look into whether he could become a driver through a rideshare company such as Lyft or Uber.

DISCUSSION

The payment agreement between CPED and Mr. Flynn resolves all issues under the citation and in Mr. Flynn’s appeal. Because the payment agreement completely fulfills the \$1,000 citation, it is reasonable in light of the whole record, consistent with the law, and in the public interest.

Rule 12.1(d) requires that settlements be reasonable in light of the record, consistent with the law, and in the public interest. The payment agreement is consistent with

Commission decisions on settlements, which express strong public policy favoring settlement of disputes if they are fair and reasonable in light of the whole record.²

Mr. Flynn agrees to submit payments by check or money order, to the California Public Utilities Commission as directed in Ordering Paragraph 2 of this Resolution.

SAFETY

Mr. Flynn's agreement to stop driving members of the public without a permit will enhance public safety.

COMMENTS

The draft resolution of ALJ Patricia Miles in appeal K.24-08-006 was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.5 of the Commission's Rules of Practice and Procedure. *[Comments were received on ___ or no comments were received.]*

ASSIGNMENT OF THE PROCEEDING

Patricia B. Miles is the assigned Administrative Law Judge for this proceeding.

FINDINGS

1. CPED issued a citation to Jeff Flynn on July 23, 2024. Mr. Jeff Flynn appealed the citation on August 12, 2024.
2. On December 9, 2024, CPED informed the ALJ that Mr. Flynn agreed to a payment plan, under which he would remit \$100 per month for ten months.
3. At the status conference held December 11, 2024, Mr. Flynn stated that he agreed to a payment agreement (Attachment A to this draft Resolution) and would send payments on the 15th of each month.
4. The parties' agreement to a payment plan is reasonable in light of the whole record, consistent with the law and in the public interest.

² See D.08-11-048 at 3; D.05-10-041 at 47.

THEREFORE, IT IS ORDERED that:

1. The payment plan agreed to by Mr. Flynn, which is attached to this Resolution as Attachment A is adopted as a settlement of the citation and appeal.
2. Mr. Flynn shall pay \$100.00, on or before the 15th of each month, beginning January 15, 2025, for ten (10) months. (A total of \$1,000.00). Payment must be made by check or money order, payable to **“California Public Utilities Commission”**. Mr. Flynn must note Resolution ALJ-469 on the check or money order and send payment to:

California Public Utilities Commission
Attn: Fiscal Office
505 Van Ness Avenue, Room 3000
San Francisco, CA 94102-3298

3. 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:

/s/

RACHEL PETERSON
Executive Director

ALJ/PM6/sgu

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolves the Appeal K.24-08-006 of Jeff Flynn from T.24-07-003 issued on 7/23/24 in the amount of \$1,000 issued by the California Public Utilities Commission Consumer Protection and Enforcement Division.

INFORMATION REGARDING SERVICE

I have electronically served all persons on the attached official service list who have provided an e-mail address for K.24-08-006

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed 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 January 17, 2025, at San Francisco, California.

/s/ SHANE GUTTO

Shane Gutto

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.

Resolution ALJ-469 ALJ/PM6/sgu

***** PARTIES *****

***** SERVICE LIST *****

Last Updated on 17-JAN-2025 by: KB3

K2408006 LIST

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