
PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

January 12, 2026

Agenda ID# 23962

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-489:

This is the draft Resolution of Administrative Law Judge (ALJ) Gerald Kelly resolving K.24-05-024. 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 first 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 and on K.24-05-024 at gk1@cpuc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:asf

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-489
Administrative Law Judge Division
[DATE]

R E S O L U T I O N

RESOLUTION ALJ-489 Resolves Consolidated appeals K.24-05-024, Appeal of Tutor Time Learning Center, LLC of Citation Number T.24-04-004 in the amount of \$15,000 issued on April 29, 2024 by the California Public Utilities Commission's Consumer Protection and Enforcement Division and K.24-05-027 Appeal of Tutor Time Learning Center, LLC from T.22-11-003 in the amount of \$16,000 issued on November 22, 2022, issued by the California Public Utilities Commission's Consumer Protection and Enforcement Division.

SUMMARY

In this Resolution, the California Public Utilities Commission (Commission) denies the consolidated appeals of Tutor Time Learning Center LLC (Tutor Time) of Citation Number T.24-04-004 issued on April 29, 2024 in the amount of \$15,000 (K.24-05-024) and Citation Number T.22-11-003 issued on November 15, 2022, in the amount of \$16,000 (K.24-05-027) both issued by the Commission's Consumer Protection and Enforcement Division (CPED).

The Commission finds that Tutor Time willfully operated a motor vehicle designed, used, and maintained for carrying more than ten people, including the driver, without Commission authority, in direct violation of Public Utilities (Pub. Util.) Code §§ 5371, 5384, and 5387(c)(1).

Tutor Time's arguments that its daycare van was not a "bus," that CPED's investigation was deficient, and that Pub. Util. Code § 5387(c)(1) cannot apply are legally incorrect, factually unsupported, and contrary to the statutory purpose of protecting public safety. The Commission affirms both citations, directs immediate payment of the

imposed fines totaling \$31,000, and orders Tutor Time to obtain proper authority or cease all passenger transportation activities.

The record establishes that Tutor Time's Murrieta facility engaged in unlicensed passenger transportation for years after being notified that such conduct required Commission authorization. The company's reliance on self-serving internal documents and semantic disputes about the word "bus" does not excuse its persistent violations.

Accordingly, Citations T.24-04-004 and T.22-11-003 are upheld and the penalties are affirmed in full. CPED also recommended that the Commission implement a permanent ban against Tutor Time from receiving any operating permit or certificate from the Commission to engage in any charter party carrier activities per Pub. Util. Code § 5387(c)(1). This Resolution declines to implement that recommendation.

BACKGROUND

On November 15, 2022, the Commission's Consumer Protection and Enforcement Division (CPED) issued Citation T.22-11-003 (Citation) in K.24-05-027 to Tutor Time Learning Center LLC (Tutor Time). The Citation alleges that Tutor Time operated as a charter-party carrier without an active authority in violation of Pub. Util. Code §§ 5371 and 5415 (188 counts) and failed to produce records in violation of Pub. Util. Code §§ 5389 and 5381 and General Order (GO) 157-E, Part 6.02 (1 count). The citation assessed a penalty of \$16,000.

On April 29, 2024, CPED issued Citation T.24-04-004 in K.24-05-024 to Tutor Time. The Citation alleges that Tutor Time operated as a charter-party carrier of passengers without a valid permit in violation of Pub. Util. Code §§ 5371(c)(1)(A) (1 count), engaged a driver who did not possess the proper California driver's license (CDL) endorsement to drive larger vehicles in violation of Pub. Util. Code §§ 5381, 5387(b), 5387(c)(1) and 5387(c)(1), GO 157-E, Part 5.01, and California Vehicle Code (CVC) §§ 12500(d), 15250, 15275, and 15278(a)(2) (1 count) and operated a bus without proper vehicle registration in violation of Pub. Util. Code §5387(c)(1)(F) and CVC §4000(A)(1). CPED also requested that the Commission initiate a permanent ban that would prevent Tutor Time from receiving a permit or certificate from the Commission to engage in any charter-party carrier activities per Pub. Util. Code § 5387(c)(1).

Tutor Time filed its citation appeal for both proceedings on May 30, 2024. CPED filed its compliance filing and law and a motion to file underseal in K.24-05-024 on June 13, 2024. On June 20, 2024, an evidentiary hearing was set for August 28, 2024.

On July 9, 2024, CPED filed a motion to accept its late compliance filing in K.24-05-027. CPED also filed a motion to file confidential materials underseal and a motion to consolidate K.24-05-024 and K.24-05-027. On July 15, 2024, a ruling was issued granting the late compliance filing, the motion to consolidate, and resetting the evidentiary hearing.

On October 2, 2024, Tutor Time filed a motion to dismiss citations T.22-11-003 and 24-04-004. On October 17, 2024, CPED filed a response to the motion to dismiss. On October 21, 2025, a ruling was issued granting Tutor Time's request to Reply to CPED's response to the motion to dismiss. On October 23, 2024, Tutor Time filed its reply to CPED's response. On November 4, 2024, Tutor Time's motion to dismiss citations T.22-11-003 and 24-04-004 was denied.

Evidentiary hearings were held on November 5-6, 2024. Opening briefs were filed on January 21, 2025, and reply briefs were filed on February 11, 2025. On April 17, 2025, a ruling was issued requesting CPED and Tutor Time to brief additional issues. Opening briefs were filed on May 19, 2025, and reply briefs filed on June 13, 2025. Tutor Time requested the opportunity to file a sur-reply brief. The request was granted and the sur-reply brief was filed on August 1, 2025.

PARTY POSITIONS

Tutor Time contends that the Commission lacks jurisdiction to impose penalties under § 5387(c)(1) because its vehicle was not a "bus." The company asserts that:

1. Its Collins Chevrolet vehicle seats nine passengers plus the driver and thus does not meet the statutory threshold of "more than ten persons."
2. CPED's reliance on DMV classification ("BU = Bus") is insufficient because that designation does not prove actual seating capacity.
3. The only official CPED document identifying seating—its "Request for Impound"—lists ten including the driver, which Tutor Time claims places the vehicle outside the Commission's jurisdiction.
4. CPED witness Enforcement Analyst Nera testified that the vehicle could hold 14 passengers only after being "prompted" by counsel and provided no corroborating evidence of a physical inspection.

5. Tutor Time's internal "build sheet" and long-standing corporate policy confirm use of nine-passenger vehicles, and the Commission would "fail to proceed in the manner required by law" if it ignored those assertions.

Tutor Time also alleges procedural unfairness, claiming that CPED introduced new materials in its reply brief and relied on online brochures outside the record.

CPED maintains that:

1. The impounded 2007 Collins Chevrolet vehicle was formally registered with the Department of Motor Vehicles (DMV) as a "Bus (BU)" and verified by CHP officers before impoundment.
2. CPED analysts physically boarded the vehicle and counted 14 seating positions, consistent with manufacturer design specifications for the Collins "Childcare Bus," which accommodates 14–20 passengers.
3. Tutor Time's "build sheet" is a customer order form, not a certified manufacturing document, and lacks a Vehicle Identification Number (VIN).
4. Tutor Time's persistent operation after prior citations and a 2022 cease-and-desist letter demonstrates deliberate disregard of the Commission's authority.
5. The statutory purpose of § 5387(c)(1) is to permanently bar repeat violators who operate passenger-carrying buses without authority; Tutor Time's conduct squarely fits that definition.

DISCUSSION

The statutory definition of "bus" applies broadly. Both CVC Code § 233 and Pub. Util. Code § 5359(b) define a bus as a vehicle designed, used, or maintained for carrying more than ten persons, including the driver. This definition is intentionally broad. It encompasses not only the number of seats physically installed on a given day but also the vehicle's design capacity, intended use, and structural configuration.

The Commission has long relied on Department of Motor Vehicles (DMV) and California Highway Patrol (CHP) classifications in determining whether a vehicle constitutes a bus for enforcement purposes. (See, *In re Executive Charter, Inc.*, D. 08-04-011.) The legislature explicitly delegated to the DMV and CHP the responsibility for classifying motor vehicles based on structural design, and those designations are binding indicators of intended passenger capacity.

The evidence overwhelmingly shows the subject vehicle is a bus. The DMV registration identifies the Tutor Time vehicle as a “Bus (BU)”. The CHP, acting in coordination with CPED, verified this classification before approving the December 6, 2023, impoundment. Tutor Time offered no evidence that the DMV record was erroneous or that it ever attempted to correct the registration.

CPED’s inspection and testimony is consistent with a determination that the vehicle is a bus. CPED Analyst Nera testified under oath that he and a colleague boarded the vehicle and counted 14 seats. This is direct evidence of passenger capacity. His testimony was clear, credible, and consistent with DMV classification and manufacturer information. No credible evidence contradicts that the vehicle was configured for 14 seats.

The manufacturer specifications also support the finding that the vehicle is a bus. The Collins Bus “Childcare Bus” brochure, covering the same Chevrolet chassis and model year, lists multiple floor plans for 14–20 passengers. CPED’s photographic exhibits show that the impounded vehicle matches that model’s exterior design and chassis configuration.

Tutor Time’s evidence is neither reliable nor probative. The alleged “build sheet” lacks a vehicle identification number (VIN), confirming it does not correspond to the actual impounded vehicle. Collins Bus later verified that it was merely an order form completed by a customer, not an authenticated manufacturing record.

Ms. Addison’s testimony regarding “company policy” of utilizing nine-passenger vans is anecdotal and not specific to the vehicle in question. Corporate practices do not override statutory definitions or physical evidence.

Even if some Tutor Time vans were configured for only ten seats, Pub. Util. Code § 5359(b) concerns whether the vehicle is designed or maintained to carry more than ten, not whether it was momentarily operated with one seat removed or unoccupied.

The totality of the evidence supports the conclusion that the vehicle is a bus. The DMV designation, CHP participation, CPED inspection, and manufacturer data all points to one conclusion: the vehicle is a bus under the Public Utilities Code. Tutor Time presented no credible countervailing evidence. A single unsupported statement in an internal order form cannot overcome the combined weight of official records and sworn enforcement testimony.

Tutor Time's claim that CPED's investigation was procedurally defective is meritless. The Commission's Rules of Practice and Procedure permit the admission of public records, official documents, and testimony by investigative staff. CPED's reliance on DMV and manufacturer records falls squarely within those standards. The argument that CPED's reply introduced "new material" is also unfounded.

The manufacturer brochure and photographs referenced in CPED's reply are part of the investigative record and simply corroborate evidence previously disclosed. Additionally, Tutor Time's request to file a sur-reply brief was granted which specifically provided Tutor Time with an additional opportunity to address its alleged concerns.

Tutor Time's narrow statutory interpretation is incorrect. Tutor Time misstates the legal threshold by arguing that a bus must carry more than nine passengers plus a driver. The Legislature chose the phrase "more than ten persons including the driver," establishing an inclusive total of 11 persons or more. The impounded vehicle's 14-seat capacity exceeds this by a significant margin. The Commission declines to adopt Tutor Time's artificially narrow reading, which would defeat the protective purpose of the statute.

Furthermore, Tutor Time's invocation of Pub. Util. Code § 1757(a)(2), claiming the Commission would "fail to proceed in the manner required by law" is misplaced. The Commission is proceeding precisely as required: applying the governing statutory definitions, weighing the evidence, and enforcing its own licensing authority. The law does not compel the Commission to ignore undisputed DMV classifications or credible testimony in favor of an unverified customer order sheet.

Public-safety considerations justify strict enforcement. Tutor Time operates a for-profit childcare business responsible for the daily transport of minors. The Legislature's regulation of charter-party carriers through Pub. Util. Code §§ 5351 et seq. is rooted in protecting public safety. Vehicles carrying passengers, especially children, must meet rigorous insurance, driver-training, and inspection requirements. By operating without authority, Tutor Time circumvented those safeguards, exposing children and families to potential harm and depriving regulators of oversight.

The Commission's enforcement precedents consistently hold that intentional unlicensed operation of a bus justifies strong penalties and, in repeat cases, disqualification. (See *In re Eagle Transportation Co.*, D. 18-03-009; *In re Children's Bus Service LLC*, D. 22-09-014.) Allowing Tutor Time to evade responsibility based on self-characterization of its

vehicle as a “van” would undermine decades of Commission policy, invite other operators to mislabel passenger vehicles, and erode the uniformity of enforcement.

Tutor Time was previously advised that Commission authority was required. It then received two separate citations and nevertheless continued unlicensed operations. Such repeated violations warrant not leniency, but sanctions. A permanent bar under Pub. Util. Code § 5387(c)(1) remains an appropriate remedy in a future proceeding if violations persist.

The Commission finds Tutor Time’s arguments to be without merit. The company’s interpretation of “bus” conflicts with the plain statutory language, and its evidentiary showing is unconvincing. The uncontroverted record demonstrates that Tutor Time operated a vehicle classified and designed as a bus without Commission authority for an extended period and in defiance of regulatory orders.

The Commission has a duty to enforce the law not only to protect licensed operators who comply with Commission requirements, but more importantly to safeguard the traveling public, particularly children entrusted to commercial childcare transporters. Tutor Time’s disregard of these safety obligations undermines that mandate and cannot be excused.

Accordingly, Citations T.22-11-003, which issued a penalty assessment of \$16,000 and T.24-04-004, which issued a penalty assessment of \$15,000 are affirmed. Tutor Time shall immediately cease all passenger transportation until it obtains a valid charter-party carrier (“Z”) permit. Tutor Time shall immediately cease passenger transportation operations or, within 30 days of the issuance of this Resolution, file an application for Commission authority, including evidence of insurance, safety certification, and qualified drivers.

Failure to comply shall result in referral to the Riverside County District Attorney under Pub. Util. Code § 5417.5(e) and potential permanent disqualification in a future Commission proceeding under Pub. Util. Code § 5387(c)(1).

COMMENTS ON DRAFT RESOLUTION

Comments are allowed on this Resolution pursuant to Public Utilities Code section 311(g) and Rule 14.5 of the Commission’s Rules of Practice and Procedure. A draft of today’s resolution was distributed for comment by the interested parties.

ASSIGNMENT OF PROCEEDING

Gerald F. Kelly is the assigned Administrative Law Judge for this proceeding.

MOTION FOR CONFIDENTIALITY TREATMENT

On July 9, 2024, CPED filed a Motion for Confidential Treatment of various portions of its compliance filing. The compliance filing for T.22-11-003 contains the vehicle identification number (VIN) for various vehicles owned by Tutor Time. The compliance filing for T.24-04-004 contains the name of Tutor Time employees along with identifying information such as their license number and address. CPED requests that information along with various personal identifying information contained on the CHP Investigation Report, the CHP Notice to Appear, the VIN on the vehicle and DMV record to be treated as confidential information pursuant to Decision 20-07-005 and GO 66-D.

Commission Rules 11.4 and 11.5 address confidential materials. Rule 11.4 addresses a request to seal documents that have been filed while Rule 11.5 addresses sealing all or part of an evidentiary record. In addition, General Order (GO) 66-D provides definitions and guidance regarding public and confidential records provided to and requested from the Commission.

The Commission received no objection to the request for confidential treatment. We have granted similar requests for confidential treatment and do so again here. We note that the information is sensitive confidential information that could potentially expose the employees identifying information if it is not kept confidential. We therefore authorize confidential treatment as set forth in the ordering paragraphs of this decision.

FINDINGS AND CONCLUSIONS

1. Tutor Time transported minors for compensation between its Murrieta facility and local schools using a 2007 Collins Chevrolet vehicle.
2. DMV registration lists the vehicle body type as "Bus (BU)."
3. CPED investigators boarded and inspected the vehicle, confirming 14 seats.
4. Manufacturer specifications for that model provide seating configurations of 14–20 passengers.
5. Tutor Time did not hold a charter-party carrier permit from the Commission.

6. Tutor Time received prior notice of the permitting requirement and continued operations in disregard of that notice.
7. The “build sheet” submitted by Tutor Time is an unauthenticated order form and lacks a VIN.
8. Tutor Time’s conduct demonstrates a pattern of willful and continuing violations of Commission statutes.
9. The Tutor Time vehicle is a “bus” under Veh. Code § 233 and Pub. Util. Code § 5359(b).
10. Tutor Time operated a bus without Commission authority, violating § 5387(c)(1)(A).
11. Tutor Time further violated § 5387(c)(1)(E) and (F) by employing improperly licensed drivers and operating a misregistered vehicle.
12. CPED proved these violations by a preponderance of the evidence.
13. The Commission has jurisdiction to affirm the citations, assess fines, and impose additional sanctions.
14. Tutor Time’s appeals lack legal and factual merit and should be denied in full.
15. Citations T.22-11-003 and T.24-04-004 were correctly issued and should be upheld in full.
16. This proceeding should be closed.

THEREFORE, IT IS ORDERED that:

1. The appeals of Tutor Time Learning Center, LLC in K.24-05-024 and K.24-05-027 are denied.
2. The Commission’s Consumer and Protection Division’s Citations T-22-11-003 and T-24-04-004 are affirmed.
3. Tutor Time Learning Center LLC shall pay all fines totaling \$31,000 within 30 days.
4. Tutor Time Learning Center LLC shall immediately cease all passenger transportation until it obtains a valid charter-party carrier (“Z”) permit.
5. Tutor Time Learning Center LLC shall, within 30 days, file an application for California Public Utilities Commission authority, including evidence of insurance, safety certification, and qualified drivers.

6. Failure to comply shall result in referral to the Riverside County District Attorney under Public Utilities (Pub. Util.) Code § 5417(e) and potential permanent disqualification in a future California Public Utilities Commission proceeding under Pub. Util. Code § 5387(c)(1).
7. The June 13, 2024, and July 9, 2024, Motions for Confidential Treatment (Motions) filed by the Commission's Consumer Protection and Enforcement Division (CPED) for the compliance filing for Citation Number T.22-11-003 (K.24-05-027) and Citation Number T.24-04-004 (K.24-05-024) are granted. The compliance filing for Citation Number T.22-11-003 contains the vehicle identification number (VIN) for various vehicles owned by Tutor Time Learning Center, LLC (Tutor Time) and the compliance filing for Citation Number T.24-04-004 contains the name of Tutor Time employees along with identifying information such as the employee's license number and address. CPED requests that this information along with various personal identifying information contained in the California Highway Patrol's (CHP) Investigation Report, the CHP Notice to Appear, and the Department of Motor Vehicles records, which contain personal and identifying information be granted confidential treatment. Due to the confidential nature of the personal information in these compliance filings, the information shall remain confidential indefinitely. However, this information may be viewed by Commission staff, the assigned Administrative Law Judge (ALJ), the Assistant Chief ALJ, and the Chief ALJ, or any others which parties have agreed to in writing or as ordered by a court of competent jurisdiction.
8. The 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:

ALJ/GK1/asf

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION ALJ-489 Resolves Consolidated appeals K.24-05-024, Appeal of Tutor Time Learning Center, LLC of Citation Number T.24-04-004 in the amount of \$15,000 issued on April 29, 2024 by the California Public Utilities Commission's Consumer Protection and Enforcement Division and K.24-05-027 Appeal of Tutor Time Learning Center, LLC from T.22-11-003 in the amount of \$16,000 issued on November 22, 2022, issued by the California Public Utilities Commission's 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.24-05-024.

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 12, 2026, at San Francisco, California.

/s/ AIMEE SHORTER

Aimee Shorter

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.

***** PARTIES *****

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

Last Updated on 12-JAN-2026 by: AMT
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