

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

April 10, 2026

Agenda ID #24136
Resolution ALJ-495

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ- 495:

This is the draft Resolution of Administrative Law Judge (ALJ) Theresa Moore resolving the Appeal K.25-10-012 of Citation Number T.2025-09-006 of White Diamond Limousine/Humberto Bringas Trejo. This Draft Resolution will appear on the agenda at the next Commission meeting to be held May 14, 2026, which is at least 30 days after the date of this letter. The Commission may vote on this Resolution at that time, or it may postpone a vote until a later meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting. When the Commission votes on a Draft Resolution, it may adopt all or part of it as written, amend, modify, or set it aside and prepare a different Resolution. Only when the Commission acts does the Resolution become binding on the parties.

Any member of the public may serve comments on the Draft Resolution as provided in Public Utilities Code § 311(g) and Rule 14.5 of the Commission's Rules of Practice and Procedure (Rules). Comments shall focus on factual, legal, or technical errors in the proposed Draft Resolution. Comments that merely reargue positions taken in the proceeding will be accorded no weight and are not to be submitted. Comments should list the recommended changes to 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 ALJ Moore at TM3@cpuc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke
Chief Administrative Law Judge
MLC: cg7
Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-495
Administrative Law Judge Division
[DATE]

RESOLUTION

RESOLUTION ALJ-495 Resolving the Appeal K.25-10-012 of
Citation Number T.2025-09-006 of White Diamond
Limousine/Humberto Bringas Trejo.

SUMMARY

This resolution resolves the Citation Appeal of White Diamond Limousine/Humberto Bringas Trejo, K.25-10-012, from Citation No. T.2025-09-006 issued on September 11, 2025, by the Consumer Protection and Enforcement Division, Transportation Enforcement Branch. The citation imposes a \$2000 fine for engaging one driver without workers compensation insurance in violation of Public Utilities (Pub. Util.) Code Section 5378.1, and for failing to enroll one driver in the Department of Motor Vehicles' Employer Pull Notice Program in violation of Pub. Util. Code Section 5374 (a)(1)(D), G.O. 157-E Part 5.02, and the California Vehicle Code Section 1808.1.

The Motion to Dismiss is denied, and Motion to Reduce the Fine is granted, and the fine is reduced to \$1750.

The citation is sustained. The appeal is denied. K.25-06-013 is closed.

PROCEDURAL BACKGROUND

On September 11, 2025, the Consumer Protection and Enforcement Division (CPED) issued Citation Number T.2025-09-006 which imposed a fine on Appellant for two violations, engaging one driver without workers compensation insurance in violation of Public Utilities (Pub. Util.) Code Section 5378.1 and failing to enroll one 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 Section 1808.1.

On October 27, 2025, Applicant timely appealed Citation No. T.2025-09-006, and in its Notice of Appeal filing made a request to dismiss the citation, citing equitable grounds in the interest of justice.¹ On November 7, 2025, CPED tendered its Compliance filing² per Resolution ALJ-377.³

On December 17, 2025, the Evidentiary Hearing took place virtually with Appellant and the CPED representative present and each was placed under oath. The ALJ received CPED documents, CPED-1-9, including its attachments, into evidence. At the hearing Appellant did not contest the citation, and once again made a request to dismiss on equitable grounds, and further stated it was unable to pay the penalty.

These requests are being treated as a Motion to Dismiss and/or Motion to Reduce the Fine.

On January 23, 2026, the Administrative Law Judge (ALJ) issued a ruling requesting additional information. Appellant responded and timely provided confidential financial documents to support an assessment of its financial resources and were viewed by the parties.

FACTUAL BACKGROUND

On February 22, 2025, Transportation Enforcement Branch (TEB) conducted a safety compliance inspection at a Temecula Valley Operation, where they discovered that Appellant, White Diamond Limousine LLC (WDL) had engaged one driver without workers' compensation insurance. TEB Enforcement analyst observed a driver operating a 15-seat black 2017 Mercedes Sprinter van with a Transportation Charter Permit (TCP) number affixed to the bumper which identified WDL as the company, and WDL did not have a worker's compensation policy on file. The analyst issued an Inspection Observation Report to the driver, who stated he worked for WDL for one

¹ CPED-7, Citation Appeal with Attached Letter (Personal Statement); 10.27.2025

² Exhibits CPED 1-9C

³ Resolution ALJ-377, *Modifies and Makes Permanent the Citation Appellate Rules and General Order 156 Appellate Rules* (Apr. 28,2020)

year, and was a worker paid by 1099.⁴ The driver (“1099 driver”) signed the report.⁵ This prompted an investigation of WDL lasting from February 22, 2025, through August 14, 2025.

On April 23, 2025, a workers compensation insurance policy was added to WDL’s TCP Portal account, with insurance effective as of April 17, 2025.⁶

On April 8, 2025, a DMV EPN program search showed only one driver, the Appellant owner. The 1099 driver who signed the observation report was not enrolled.

On April 15, 2025, the 1099 driver was added/enrolled in the DMV EPN program.⁷

On September 11, 2025, CPED issued Citation Number T.2025-09-006 which imposed a fine on Appellant for two violations, engaging one driver without workers compensation insurance in violation of Pub. Util. Code Section 5378.1 and failing to enroll one driver in the DMV 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 Section 1808.1.

WDL is owned and operated by Appellant Humberto Bringas Trejo who is the sole employee. He testified at hearing and submitted a letter (personal statement) with his appeal filing, describing WDL as a newly established small business that has been operating for approximately three years with a clean record and no prior citations or violations. Further, he notes the company has consistently complied with all regulatory requirements prescribed by the California Public Utilities Commission (Commission), and has maintained all other necessary documentation, licenses, and filings in good standing.⁸

Appellant requests dismissal or a reduction in fine considering its previously unblemished history, its good faith efforts to follow all rules and its commitment to correct any deficiencies and avoid mistakes in the future.

⁴ The Commission takes Official Notice of tax forms 1099 and W2. 1099 refers to the tax form used to pay independent contractor workers, as opposed to an employee who is paid by a W2 tax form.

⁵ CPED-1 p 14.

⁶ CPED-1 p 7, 8

⁷ *Ibid* p 9

⁸ CPED-7 p 6

DISCUSSION

The Commission's authority to regulate charter-party carriers of passengers is codified, in part, by the Charter-Party Carriers of Passengers (Carriers' Act). In 2005, the Commission issued Resolution ALJ-187, which authorizes the CPED to issue citations to various classes of transportation carriers for violations of the Pub. Util. Code, Commission's General Orders (G.O.) and relevant sections of the California Vehicle Code (Cal [*2] Veh. Code).

CPED's TEB regulates passenger carriers statewide. Its Mission Statement provides, "The Transportation Enforcement Branch regulates passenger carriers to safeguard the public by ensuring compliance through investigations and enforcement; continually evaluating the industry for risk; educating market entrants, training law enforcement and enhancing field enforcement."⁹

Under Resolution ALJ-187, issued by the Commission on September 22, 2005, the Commission's Consumer Protection and Safety Division, now known as CPED, is authorized to issue citations to various classes of transportation carriers for violation of the Public Utilities Code and/or Commission orders. In turn, a carrier issued such a citation may accept the fine imposed or contest it through a process of appeal. The procedures governing the appeal of CPED citations are set forth in Resolution ALJ- 377. Enforcement actions should provide a meaningful deterrent to non-compliance. This requires that the Commission seek adequate remedies, including "refunding or depriving the economic benefit gained by the non-compliance."¹⁰

Appellant does not contest the citation, but requests it be dismissed in the interest of justice, or the fine reduced. Given that there are no facts in dispute, the only remaining question of fact is an appropriate penalty for the failure to have workers compensation for one driver and the failure to include the one driver in the DMV EPN Program.

Assessment of the Fine

Appellant has made a Motion to Reduce the Citation fine of \$2000. In assessing the reasonableness of a penalty amount, TEB applied the criteria set forth in Resolution M-4846 which provides a Penalty Assessment Methodology for guidance, and evaluate: (1) the severity or gravity of the offense (2) Conduct of the utility (3) The financial resources of the regulated entity (4) the totality of the circumstances in the public

⁹ See, [Transportation Enforcement Branch](#), as of April 9, 2026.

¹⁰ Resolution M-4846 at 21.

interest, and (5) the role of precedent. WDL did not present evidence that TEB erred in its application of the Penalty Assessment Methodology but made equitable arguments for a penalty reduction.

The WDL financial documents were received after the hearing and were therefore not considered in the original methodology analysis by TEB. Factoring in the financial documentation evidence into the methodology, we consider the utilities financial resources, alongside of WDL's claims of financial hardship. WDL's statement attached to the appeal¹¹ describes WDL as a newly formed young small business operating for approximately three years and has a clean record and no prior violations or citations. The company secured workers' compensation coverage upon notification of this requirement. The WDL representative testified at the hearing that the company does not have the money to pay the citation. The financial documents provided corroborate the testimony of financial hardship.

WDL must be aware of the requirements and legal obligations by which it must abide as a reasonable and prudent business. Effective deterrence requires that the size of a fine reflects the financial resources of the utility. WDL is a small company that only services a small clientele. The penalty range being considered is a substantial payment for a company of WDL's size and financial condition and is a sufficient deterrence of future violations by WDL. As a market entrant who is striving to be successful, which the Commission encourages, the payment of the citation fine is a hardship. We also note the parties in similar proceedings who were fined were larger companies, often with larger financial resources.

Considering the factors and methodology in Resolution M-4846 we find a reduction of \$250 for a penalty amount of \$1750 reasonable in light of the record as a whole. Weighing the severity of the offense, the penalty is reasonable to express disapproval of WDL's inadvertent failure. While WDL could have prevented the omission, it has subsequently cooperated with the Commission, has willingly provided requested documents, and has no prior history of warnings or violations. This penalty is in the public interest as it is a sufficient deterrent for a company of WDL's size given the factual circumstances of this proceeding. The factual circumstances discussed herein distinguish WDL's violation from other violations that have necessitated a larger penalty amount and is in line with the TEB mission of educating market entrants. The Commission finds that the fine imposed should be sufficient deterrence of future violations by WDL as a regulated utility with modest financial means. Thus, the penalty

¹¹ CPED-7

of \$1750 is consistent with Commission precedent given the circumstances of this proceeding and is reasonable considering the record.

SAFETY

The Commission has broad authority to regulate charter-party carriers, particularly regarding safety concerns.¹² The Commission is mindful that the statutory schemes under which this citation was issued in this case are intended to secure the safety of charter-party carrier passengers and the general public.

MOTION TO FILE UNDER SEAL

On November 7, 2025 CPED filed a Motion for Leave to File its Confidential Compliance Filing Under Seal. This motion requested that information included in the filing that was designated as confidential pursuant to Decision 20-07-005 and General Order 66-D be kept confidential. Good cause was established to grant CPED's motion. Therefore, we grant CPED's Motion for Leave to File its Confidential Compliance Filing Under Seal.

MOTION TO DISMISS

The Motion to Dismiss is denied.

MOTION TO REDUCE FINE

Motion To Reduce Fine is granted. The fine is reduced from \$2000 to \$1750.

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. Accordingly, a draft of today's resolution was distributed for comment to the service list.

FINDINGS AND CONCLUSIONS

1. Appellant Humberto Bringas Trejo is the operator and sole owner of WDL.

¹² See, for example, Pub. Util. Code §§ 451, 5382 and 5387.

2. WDL is a California Limited Liability Company, with TCP authority under TCP 41682-A in California.
3. CPED investigated WDL during the period of February 22, 2025, through August 14, 2025.
4. CPED issued Citation Number T.2025-09-006 to WDL for violating Pub. Util. Code Section 5378.1, 5374 (a)(1)(D), G.O. 157-E Part 5.02, and the California Vehicle Code Section 1808.1.
5. Appellant failed to obtain a waiver of Workers' Compensation Insurance or to obtain Workers' Compensation Insurance.
6. Appellant failed to enroll a driver in the DMV EPN program.
7. Appellant did not contest the violations.
8. The Motion to Dismiss should be denied.
9. A fine is a hardship for Appellant.
10. Appellant's Motion to Reduce the Fine is reasonable in light of the record, consistent with law, and in the public interest and should be granted. The fine should be reduced to \$1750.

THEREFORE, IT IS ORDERED that:

1. Citation Number T.2025-09-006 is affirmed, and the appeal is denied.
2. The Motion to Reduce the Fine is granted.
3. White Diamond Limousine LLC/Humberto Bringas Trejo must pay a penalty of \$1750 in seven equal monthly installments of \$250. The first payment is due within 30 days of the effective date of this Resolution. Failure to make timely payment will result in reinstatement of the full unpaid balance, which shall be due immediately.
4. White Diamond Limousine LLC/Humberto Bringas Trejo must pay each \$250 installment 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. White Diamond Limousine LLC/Humberto Bringas Trejo must write on the face of the check or money order, "For deposit to the General Fund pursuant to Resolution ALJ-495."

5. The Consumer Protection and Enforcement Division's motion to its Confidential Compliance filing under seal is granted.
6. K.25-10-012 is closed.

This resolution is effective today.

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

ALJ/TM3/cg7

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION ALJ-495 Resolving the Appeal K.25-10-012 of
Citation Number T.2025-09-006 of White Diamond
Limousine/Humberto Bringas Trejo.

INFORMATION REGARDING SERVICE

I have electronically served all persons on the attached official service list who have provided an e-mail address for K.25-10-012.

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 April 10, 2026, at San Francisco, California.

/s/ CHRISTINA GUTHRIE

Christina Guthrie

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 10-APR-2026 by: AMT
K2510012 LIST

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