

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

October 23, 2026

Agenda ID #24603
Resolution ALJ-499**TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ- 499:**

This is the draft Resolution of Administrative Law Judge (ALJ) Margery L. Melvin resolving K.25-07-007, the Appeal of Silvio Sales Botelho, doing business as Black Dynamic Car Service from Citation Number T.2025-06-005. This Draft Resolution will appear on the agenda at the next Commission meeting to be held December 3, 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 Melvin at margery.melvin@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-499
Administrative Law Judge Division
[Date]

R E S O L U T I O N

Resolution ALJ-499 Resolves K,25-07-007, the Appeal of Silvio Sales Botelho, doing business as Black Dynamic Car Service, of Citation Number T.2025-06-005.

SUMMARY

This resolution resolves the appeal by Silvio Sales Botelho, doing business as (dba) Dynamic Black Car Service, of Citation No. T.2025-06-005 issued on June 24, 2025, by the California Public Utilities Commission's (Commission) Consumer Protection and Enforcement Division. Citation No. T.2025-06-005 issued a fine of \$5,000 for violations of five sections of the Public Utilities Code and the Commission's General Orders. Citation No. T.2025-06-005 is sustained, but the penalty of \$5,000 is reduced to \$3,600 to be paid in twelve monthly installments of \$300 per month.

BACKGROUND

The California Public Utilities Commission (Commission) regulates charter-party carriers (TCP) of passengers primarily pursuant to the Passenger Charter-Party Carriers' Act (Public Utilities (Pub. Util.) Code § 5351, et seq.) Pursuant to Resolution ALJ-187, issued by the Commission on September 22, 2005, Consumer Protection and Enforcement Division (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 by filing an appeal under Resolution ALJ-377.¹

¹ The Commission issued Resolution ALJ-377 on April 28, 2020, for appeals on or after July 1, 2020.

On June 24, 2025, CPED issued Citation T.2025-06-005 to Silvio Sales Botelho (Botelho), an individual, doing business as (dba) Dynamic Black Car Service, for violations of the Public Utilities Code and General Order 157-E. The underlying investigation covered the period of March 25, 2025, through October 20, 2025.

The Commission authorized Botelho as a TCP, as Dynamic Black Car Service, a business he owned as an individual. Botelho operated two vehicles under his TCP permit.

The citation was issued for violations by both vehicles Botelho owned during this period as follows:

1. Operated as a charter-party carrier after revocation of authority, in violation of Pub. Util. Code § 5379 [2 counts];
2. Operated at an airport without an airport permit and failure to follow airport rules and regulations in violation of Pub. Util. Code §§ 5371.4(b), 5381, and General Order (GO) 157-E, Part 3.02 [2 counts], and
3. Failure to display transportation charter-party (charter-party carrier) number in full on vehicle, including the prefix “TCP” and authority suffix, in violation of Pub. Util. Code §§ 5385 and 5411.3 and G.O. 157-E, Part 4.04 [1 count].

DISCUSSION

APPEAL

Botelho filed a timely appeal of Citation T.2025-06-005, and the Commission granted the request for an appeal hearing. The assigned Administrative Law Judge (ALJ) conducted the hearing on October 2, 2025, via video conference. Botelho and CPED appeared at the scheduled hearing.

CPED offered the following Exhibits into evidence²:

CPED-1	Compliance Filing for Citation Number T.2025-06-005 – PUBLIC
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² The CPED offered exhibits CPED-1 through CPED-6 prior to the October 2, 2025, hearing and offered exhibits CPED-6 through 9-C after the October 2, 2025, hearing upon Botelho’s requests that the ALJ leave the record open to allow Botelho to submit additional information.

CPED-1C	Compliance Filing for Citation Number T.2025-06-005 – CONFIDENTIAL
CPED-2	Salesforce Activity Log – Impending Suspension & Suspension Notices from June – November 2024
CPED-3	2 nd Impending Suspension Notice (11/2/24) sent via email
CPED-4	Salesforce Activity Log – Suspension Notice (November 2024) Suspension Notice (11/30/24) sent via email Salesforce Activity Log – Revocation Notice Revocation Notice (2/28/25) sent via email
CPED-5	Public Utilities Code § 5379
CPED-6	Supplemental Exhibit DMV Registration CPED-06 PUBLIC
CPED-6C	Supplemental Exhibit DMV Registration CPED-06C CONFIDENTIAL
CPED-7	Supplemental Exhibit SFO Email CPED-7 – PUBLIC
CPED-7C	Supplemental Exhibit SFO Email CPED-7C – CONFIDENTIAL
CPED-8	SFO License Plate Reader information from 3/26/25 to 10/2/25 for the black SUV – PUBLIC
CPED-8C	SFO License Plate Reader information from 3/26/25 to 10/2/25 for the black SUV – CONFIDENTIAL
CPED-9	SFO License Plate Reader information from 3/4/25 to 10/8/25 for the Mercedes Sedan – PUBLIC
CPED-9C	SFO License Plate Reader information from 3/4/25 to 10/8/25 for the Mercedes Sedan – CONFIDENTIAL

Botelho offered the following Exhibits into evidence³:

Botelho-1C	Proof of Financial Hardship
Botelho-2C	Proof of Financial Hardship Documentation

RESOLUTION OF THE APPEAL

Operating as a Charter-Party Carrier after Revocation of Authority in Violation of Pub. Util. Code § 5379 [2 counts].

As relevant here, Pub. Util. Code § 5379 reads in full as follows:

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.

CPED offered one witness, an Investigator with the Commission's Transportation Enforcement Branch (TEB), who testified on behalf of the CPED at the hearing. The CPED witness testified that CPED notified Botelho by email on June 13, 2024⁴ and November 2, 2024⁵ of an impending suspension of his transportation TCP authority to operate. The witness testified that on November 30, 2024, CPED notified Botelho that his TCP authority had been suspended effective November 30, 2024.

The CPED witness further testified that, on February 28, 2025, CPED issued a revocation notice to Botelho revoking his authority to operate as a TCP effective February 28, 2025, for failure to maintain adequate public liability and property damage

³ Botelho offered exhibits Botelho-1C and 2C after the October 2, 2025, hearing, upon Botelho's request that this ALJ leave the record open to allow him to submit additional information to prove financial hardship.

⁴ First Impending Suspension Notice. June 13, 2024. CPED-2.

⁵ Second Impending Suspension Notice. November 2, 2024. CPED-3.

(PL&PD) insurance.⁶ CPED's witness testified that following revocation, CPED issued Botelho a Notice to Cease and Desist on April 2, 2025, for operating at San Francisco International Airport on March 20, 2025. The Notice to Cease and Desist required that Botelho cease and desist from all TCP operations.⁷

With respect to the citation before us, CPED testified that on March 20, 2025, San Francisco International Airport's (SFO) Ground Transportation Unit (GTU) issued Botelho a citation for operating a vehicle as a TCP at SFO without TCP authority.⁸ Botelho was also cited for operating his vehicle with an expired airport permit, failing to display a TCP number, improper trade dress, and operating his vehicle without SFO authorization.

On April 8, 2025, the CPED witness testified that the San Francisco Police Department (SFPD) issued Botelho a SFO GTU administrative citation for operating at SFO without TCP authority, for not having a TCP number and airport permit displayed on the vehicle.⁹ Botelho was also cited for operating his vehicle with an expired permit, with improper trade dress, and for failing to display a placard.¹⁰

Botelho was the sole witness testifying on his behalf at the hearing. Botelho testified that as of February 2025, he going through a divorce proceeding, was unhoused, under extreme stress, and that he had transferred the cars he owned under Dynamic Black Car Service to other individuals.¹¹ Botelho testified that he did not receive CPED's February 28, 2025, Order of Revocation because all his mail was going to his former home, which he no longer had access to due to his impending divorce. Because of this, Botelho testified that he did not know his Commission-granted authority to operate had been revoked. Botelho testified that he was not operating the vehicles at SFO on March 20, 2025, and March 8, 2025, because he had transferred the vehicles to others who took over financial responsibility for the vehicles. Botelho did not present any evidence,

⁶ Commission Order of Revocation. February 28, 2025. CPED-1 (Attachment 2) and CPED-4.

⁷ Commission Cease-and-Desist Notice. April 2, 2025. CPED-1 (Attachment 1).

⁸ SFO GTU Administrative Citation #50986. March 20, 2025. CPED-1 (Attachment 3).

⁹ SFPD Administrative Citation #53454. April 8, 2025. CPED-1 (Attachment 4).

¹⁰ *Id.*

¹¹ He later testified that the vehicles were not sold but instead were transferred and being used by other individual(s) who were operating the vehicles, making car payments, and that agreed to get TCP authority.

such as a Bill of Sale or signed Certificate of Title, to show that he sold the vehicles to others. Botelho requested that the Commission consider his financial circumstances and other factors as mitigating factors in imposing a penalty against him.

Based upon the evidence provided by the CPED (CPED-1, CPED-2, CPED-3, and CPED-4), and the testimony of CPED's witness, we find that Botelho operated as a TCP during a period of revocation in violation of Pub. Util. Code § 5379. CPED properly notified Botelho that he was facing impending suspension; his authority to operate was then properly suspended and ultimately revoked.

Botelho testified credibly that he was not operating the vehicles in question and had transferred them to others who may have been operating the vehicles. Although Botelho was not operating the vehicles, he failed to present any evidence of their sale or that he notified the Commission of the sale or transfer of these vehicles. Lastly, Botelho failed to present evidence that he had notified the Commission that he was ending his TCP operation or surrendering his permit.¹²

Although Botelho may have been unaware that his TCP authority had been suspended and then revoked, as a regulated utility and business owner, he is obligated to comply with applicable regulatory requirements and should have known of the status of his TCP authority. Botelho was listed as the owner and operator of the vehicles on the dates in question. Botelho is responsible for the operation of the vehicles in question on the dates in question after his TCP authority had been revoked, in violation of Pub. Util. Code § 5379.

Operating a Charter-Party Carrier at an Airport without an Airport Permit and Failure to Follow Airport Rules and Regulations [2 counts].

Pub. Util. Code § 5371.4(b) on Authorization to Operate as a Charter-Party Carrier of Passengers reads in full as follows:

The governing body of any airport may not impose vehicle safety, vehicle licensing, or insurance requirements on charter-party carriers operating Limousines that are more burdensome than those imposed

¹² Botelho failed to present evidence, such as Department of Motor Vehicles documents or bills of sale, that he had transferred legal ownership to others.

by the commission. However, the governing body of any airport may require a charter-party carrier operating limousines to obtain an airport permit for operating authority at the airport.

Pub. Util. Code § 5381 on the Commission's Authority to Regulate Charter-Party Carrier reads in full as follows:

To the extent that such is not inconsistent with the provisions of this chapter, the commission may supervise and regulate every charter-party carrier of passengers in the State and may do all things, whether specifically designated in this part, or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction.

General Order 157-E § 3.02 on Operations at Airports states in full as follows:

No carrier shall conduct any operations on the property of or into any airport unless such operations are authorized by both this Commission and the airport authority involved. Consistent failure to comply with safety or traffic rules and regulations of an airport authority may result in suspension or revocation of Commission operating authority.

To operate at the airport, Botelho was required to maintain his TCP authority and was also required to seek airport authorization to operate at SFO. Botelho's TCP authorization was revoked as of February 28, 2025.

Botelho testified that he was not operating the vehicles that were the subject of administrative citations on March 20, 2025 (SFO GTU), and April 8, 2025 (SFPD). He further testified that he had transferred the vehicles to other people and that at the time of these citations, those people were driving the vehicles with his permission to drive them. Regardless of who was driving, Botelho failed to notify the Commission that he relinquished his authority to operate as a TCP nor did he provide evidence of their sale at the hearing.

Based upon the evidence provided by the CPED (CPED-1, CPED-2, CPED-3, and CPED-4), and the testimony of CPED's witness, we find that Botelho was a TCP whose authority to operate had been revoked and operated as a TCP at the airport without an

airport permit on the dates in question and failed to follow airport rules and regulations, in violation of Pub. Util. Code §§ 5371.4(b), 5381, and G.O. 157-E, Part 3.02.

Failure to Display Transportation Charter-Party Number on Vehicle in Violation of Pub. Util. Code §§ 5385 & 5411.3 and G.O. 157-E, Part 4.04 [1 count].

Pub. Util. Code § 5385 on Charter-Party Carrier Display of a Distinctive Identifying Symbol in relevant part requires:

A charter-party carrier of passengers, except those engaged in the provision of a hired driver service when a rented motor vehicle is being operated by the hired driver, shall not operate any motor vehicle on any public highway unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the commission, showing the classification to which the carrier belongs.

Pub. Util. Code § 5411.3 on Charter-Party Carrier Display of Identifying Symbol reads in full as follows:

Every charter-party carrier of passengers, and every officer, director, agent, or employee of a charter-party carrier of passengers, who displays on any vehicle any identifying symbol other than one prescribed by the commission pursuant to Section 5385, or who fails to remove an identifying symbol when required by the commission, is guilty of a misdemeanor and is punishable by a fine of not more than two thousand five hundred dollars (\$2,500), by imprisonment in the county jail for not more than one year, or by both.

General Order 157-E, § 4.04 on Transportation Charter-Party Carrier Number Display on Vehicles states in relevant part:

The number assigned by the Commission to the carrier's authority shall be shown in full on all charter party vehicles, including the prefix "TCP", the authority number and the authority suffix "A", "B", "C", "S", "P" and/or "Z" (which designate Class "A" certificate, Class "B" certificate, Class "C" certificate, round-trip sightseeing permit, charter-party permit, and specialized carrier

permit, respectively).

The CPED witness testified that on April 8, 2025, the SFPD issued Botelho an administrative citation for operating without displaying a TCP number on a vehicle with the license number he previously registered with the Commission.¹³ The witness testified that pursuant to the witness' investigation, Dynamic Black Car Service did not display the TCP number on its vehicles. Botelho did not dispute CPED witness' testimony and offered the same excuse that he offered on the other counts – that he was not operating the vehicle on April 8, 2025, because he had permitted others to operate the vehicles.

Based upon the evidence provided by the CPED (CPED-1, CPED-2, CPED-3, and CPED-4), and the testimony of CPED's witness, we find that Botelho, as the individual who held the TCP license on the dates in question, failed to display the transportation charter-party number on his vehicle, including the prefix "TCP" and authority suffix, in violation of Pub. Util. Code §§ 5385, 5411.3, and G.O. 157-E, Part 4.04.

ASSESSMENT OF FINE

In assessing the reasonableness of the \$5,000 fine, Commission Resolution M-4846 requires staff to apply the Penalty Assessment Methodology¹⁴ in determining the amount of the penalty. The Penalty Assessment Methodology sets forth factors that staff must consider in determining the amount of a penalty for each violation. The factors are consistent with those the Commission previously adopted and has historically relied on in assessing penalties, and it restates them in a way that will form the analytical foundation for future penalty decisions. Here, TEB considered the severity or gravity of the offense, the conduct of the regulated utility, the financial resources of the regulated entity, the totality of the circumstances in furtherance of the public interest, and the role of precedent in setting the penalty of \$5,000.

Botelho did not submit evidence or assert that the penalty was unreasonable for the violations included in the citation. At the hearing, he explained that at the time of the citation he experienced serious personal hardships that also resulted in severe financial hardship, which will be addressed later. The Commission acknowledges that penalty of

¹³ SFPD Administrative Citation #53454. April 8, 2025. CPED-1 (Attachment 4).

¹⁴ Resolution M-4846 (November 5, 2020) at Appendix 1.

\$5,000 imposed against Botelho was reasonable, under the Commission's Penalty Assessment Methodology because in imposing the penalty the TEB considered the requisite factors and, in particular, the fact that Botelho operated as a TCP after revocation of authority and jeopardized public safety by violating statutory schemes under which this citation was issued and created to secure the safety of charter-party carrier passengers and the general public. As such, the \$5,000 penalty against Botelho was reasonable. Botelho was remorseful at the hearing, repeatedly apologizing for his failure to respond to Commission notices.

FINANCIAL HARDSHIP

Botelho requested that the Commission review his financial circumstances and consider his severe financial hardship as a factor. Botelho expressed remorse and asked the Commission to reduce the penalty imposed because of his financial situation.

Following the hearing, Botelho presented evidence supporting financial hardship both at the time of the violations and at the time of this appeal. The Commission carefully reviewed and considered the parties' supplemental exhibits that were provided and offered into evidence after the hearing (CPED-6, CPED-6C, CPED 7, CPED-7C, CPED-8, CPED-8C, CPED-9, CPED-9C and Botelho-1C and Botelho-2C).¹⁵

Based on these exhibits, Botelho is experiencing financial hardship that warrants a reduction in the penalty from \$5,000 to \$3,600. In addition, the penalty may be paid in twelve equal installments of \$300 per month. This amount considers the five factors set out in the Penalty Assessment Methodology and Botelho's very limited financial resources.

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.

¹⁵ This additional evidence does not change the Commission's position that all counts should be sustained.

FINDINGS AND CONCLUSIONS

1. CPED issued Citation No. T.2025-06-005 to Silvio Sales Botelho on June 24, 2025, for the following violations
 - a. Operated as a TCP after revocation of authority in violation of Pub. Util. Code § 5379 [2 counts];
 - b. Operated at an airport without an airport permit and failure to follow airport rules and regulations in violation of Pub. Util. Code §§ 5371.4(b), 5381, and G.O. 157-E, Part 3.02 [2 counts];
 - c. Failed to display Transportation charter-party number in full on vehicle, including the prefix “TCP” and authority suffix, in violation of Pub. Util. Code §§ 5385, 5411.3 and G.O. 157-E, Part 4.04 [1 count].
2. The Citation imposes a fine of \$5,000, for the following violations:
3. On February 28, 2025, Botelho’s authority to operate as a TCP under Dynamic Black Car Service was revoked.
4. Botelho did not have the required PLPD insurance on file with the Commission in effect on June 13, 2024, or November 2, 2024, during the Investigation Period.
5. Botelho did not notify the Commission that he was ending operations of his TCP status under Dynamic Black Car Service or was giving up his permit.
6. On March 20, 2025, and April 8, 2025, the vehicle under Botelho’s name and business, Dynamic Black Car Service, operated as a TCP during a period of revocation at SFO.
7. On March 20, 2025, and April 8, 2025, the vehicle under Botelho’s name and business, Dynamic Black Car Service, was operated without an airport permit and failed to follow airport rules and regulations at SFO.
8. On April 8, 2025, the vehicle under Botelho’s name and business, Dynamic Black Car Service, failed to display a transportation charter-party number, including the prefix “TCP” and authority suffix on the vehicle under Dynamic Black Car Service at SFO.
9. The citation was given to the vehicles listed under Botelho’s name and business, Dynamic Black Car.

10. Botelho allowed others to operate his vehicles.
11. Botelho failed to present evidence that he sold the vehicles cited by SFO GTU.
12. The \$5,000 penalty assessed against Botelho by the TEB is consistent with the Penalty Assessment Methodology.
13. Botelho did not offer any affirmative defenses that would invalidate any of the violations.
14. Botelho did not provide evidence that the \$5,000 fine was unreasonable.
15. As of February 1, 2025, Botelho experienced personal and financial hardships which contributed to his failure to respond to notices from the CPED regarding the impending suspension, suspension and revocation of this authority to operate as a TCP with the Commission.

Botelho presented evidence establishing financial hardship both at the time of the violations and at the time of this appeal warranting a reduction in the penalty from \$5,000 to \$3,600 to be paid in twelve monthly installments of \$300 per month.

THEREFORE, IT IS ORDERED that:

1. The violations in Citation No. T-2025-06-005 are affirmed, and the appeal is denied.
2. Silvio Sales Botelho, doing business as (dba) Dynamic Black Car Service (Mr. Botelho), must pay the initial monthly payment of \$300 within 30 days of the effective date of this decision. This payment and all subsequent payments must be made by check or money order 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. Mr. Botelho must write on the face of the check or money order, "For deposit to the General Fund pursuant to Resolution ALJ-418."
3. K.25-07-007 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/MMV/cg7

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION ALJ-499. Resolves K.25-07-007, the Appeal of Silvio Sales Botelho, doing business as Black Dynamic Car Service, of Citation Number T.2025-06-005.

INFORMATION REGARDING SERVICE

I have electronically served all persons on the attached official service list who have provided an email address for K.25-07-007.

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 email address is provided.

Dated October 23, 2026, at San Francisco, California.

/s/ CHRISTINA B. GUTHRIE

Christina B. 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 at (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.

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Resolution ALJ-499 ALJ/MMV/cg7

***** PARTIES *****

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

Last Updated on 23-OCT-2026 by: KB3
K2507007 LIST

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