



Public Utilities Commission
STATE OF CALIFORNIA

CITATION FOR VIOLATION
OF PUBLIC UTILITIES CODE

To: Private Tour Guide LA
Simone Rubenstein
[REDACTED]
[REDACTED]

File: Unlicensed
Date: June 8, 2023
Citation #: T.23-06-001
Case #: PSG-5855

VIOLATIONS

You are hereby cited with having violated section(s) of the Public Utilities Code (P.U. Code) and California Public Utilities Commission (CPUC) General Order (G.O.) as described below.
These violations occurred during the period from October 2022 to the present.

- (1) Advertising without a permit in violation of Pub. Util. Code section 5414.5 [1 count].**

STATEMENT OF FACTS

The above violations are documented in the attached Investigation Report, which consists of carrier's records and substantiating documents obtained from other sources.

RESPONSE

TEB used the Penalty Assessment Methodology adopted in Resolution M-4846 and considered mitigating and exacerbating factors in setting the fine.

You are hereby called upon to answer this citation on or before June 23, 2023. By way of such answer, you may either:

- (1) Pay a fine of \$2,000 pursuant to P.U. Code Section 5378. (Submit your check or money order payable to California Public Utilities Commission using the attached *Citation Agreement*. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and the Commission staff will deem the matter closed, **or**
- (2) Contact the Supervisor below to make payment arrangements, **or**
- (3) Contest this Citation by filing an Appeal. See attached document "*How to File an Appeal and Instructions for Filing a Notice of Appeal and Certificate of Service for a Citation Appeal.*"

If you fail to respond by June 23, 2023, you will be in default and will have forfeited your right to appeal the Citation. In addition, your operating authority will be immediately suspended and may be subsequently revoked pursuant to Resolution ALJ-187. The Commission may also act through a civil or criminal proceeding to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

Rahmon Momoh

Rahmon Momoh
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Telephone number: (415) 703-1725
E-mail address: Rahmon.Momoh@cpuc.ca.gov

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CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated June 23, 2023, and herewith pay the fine of \$2,000.

Simone Rubensetin
Private Tour Guide LA



(Signature) (Title)

(Date)

Payment (cashier check or money order) should be made payable to *California Public Utilities Commission* and sent to:

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

INVESTIGATION REPORT

CARRIER: Private Tour Guide LA

OFFICERS: Simone Rubenstein, Owner

AUTHORITY: Unlicensed

MAILING ADDRESS: [REDACTED]

PHONE/EMAIL: [REDACTED]

VEHICLES: Unknown

EMPLOYEE-DRIVERS: Unknown

**PL&PD
INSURANCE:** Unknown

**WORKERS'
COMPENSATION
INSURANCE:** Unknown

**DRUG
CONSORTIUM:** Unknown

REVENUE: Unknown

INTRODUCTION

On March 2, 2023 I was assigned to investigate the operations and practices of Private Tour Guide LA because of a consumer complaint alleging that Private Tour Guide LA was operating without a permit issued by the California Public Utilities Commission (CPUC).

VIOLATIONS

I investigated Private Tour Guide LA and found violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

- **Private Tour Guide LA was illegally advertising without a permit in violation of Pub. Util. Code section 5414.5 [1 count]**

I reached out to the owner, Simone Rubenstein, on March 15, 2023, and spoke with her via phone at [REDACTED]. I sent a follow-up email at [REDACTED] outlining the conversation, told her to remove all advertisements until she got an active status, and sent her resources to apply for a permit. On March 17, 2023 I mailed Simone a Cease-and-Desist letter [Attachment 1] via United States Postal Service. On April 3, 2023 I reached out to Simone, via email, letting her know that her advertisements (Ad) on Trip Advisors [Attachment 2] needed to be removed, but got no response. I sent a final warning, via email, on May 1, 2023 letting her know she needs to remove all forms of advertisements, and to halt all forms of operation by May 8, 2023 or she will be cited [Attachment 3]. I received a response from Simone at [REDACTED], stating that she would not be operating her business anymore and will seek employment from other companies. To date, Simone still has her Trip Advisors advertisement up and available for consumers to book.

DECLARATION

I have read the foregoing and know the contents thereof and I declare that the foregoing is true and correct, except as to those matters stated on information and belief, and as to those matters, I believe to be true.

Executed on June 6, 2023
at San Francisco, California.

Destiny Graham

Destiny Graham
Enforcement Analyst

INDEX OF ATTACHMENTS

- 1.** Cease-and-Desist Letter
- 2.** Trip Advisors Advertisement
- 3.** Final Warning Email

PUBLIC UTILITIES COMMISSION

505 Van Ness Ave
San Francisco, CA 94102

March 17, 2023

Simone Rubenstein
Private Tour Guide LA
[REDACTED]TCP: Unlicensed
Case No.: PSG-5855**NOTICE TO CEASE AND DESIST**

Dear Simone Rubenstein:

The California Public Utilities Commission (CPUC) became aware that you are operating without a valid authority.

Public Utilities Code (P.U. Code) Sections 1031 and 5371 state that it is unlawful for a charter-party carrier of passengers to conduct any operations without a valid authority. P.U. Code Sections 1034.5 and 5414.5 state that it is unlawful to publish or advertise without holding a valid permit. Advertisements include, but are not limited, to advertising in local directories or yellow pages, business cards, internet websites, and any other form of advertisements.

YOUR COMPANY MUST IMMEDIATELY CEASE AND DESIST FROM ANY AND ALL UNLAWFUL OPERATIONS INCLUDING ADVERTISING. P.U. CODE SECTION 1037 STATES THAT ANY CARRIER WHICH OPERATES WITHOUT AUTHORITY IS GUILTY OF A MISDEMEANOR AND, IF A PERSON, IS PUNISHABLE BY A FINE NOT TO EXCEED \$1,000 OR BY IMPRISONMENT IN A COUNTY JAIL NOT TO EXCEED SIX MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT, OR, IF A CORPORATION, SHALL BE PUNISHED BY A FINE NOT TO EXCEED \$1,000.

P.U. CODE SECTION 5411 STATES THAT ANY CARRIER WHICH OPERATES WITHOUT A VALID AUTHORITY IS GUILTY OF A MISDEMEANOR WHICH IS PUNISHABLE BY A FINE OF NOT LESS THAN \$1,000 AND NOT MORE THAN

\$5,000 OR BY IMPRISONMENT IN A COUNTY JAIL FOR NOT MORE THAN THREE MONTHS, OR BOTH THAT FINE AND IMPRISONMENT.

This letter places your company on notice that continued violations of law without the required certificate may result in criminal prosecutions and possible termination of telephone service. There will be no further warnings.

If you have questions, please do not hesitate to call me at 628.217.1952.

Sincerely,

Destiny Graham, Public Utilities Regulatory Analyst I
California Public Utilities Commission
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Email: destiny.graham@cpuc.ca.gov
Telephone: 628.217.1952



See all photos



Los Angeles Private Guided Sightseeing Full-Day Tour

By [Private tour guide LA](#)

★★★★★ [37 reviews](#) • Recommended by 97% of travelers ⓘ

Explore some of the most famous spots in Los Angeles on this private tour for you and up to five friends or family members. You'll see places like Santa Monica Pier, Beverly Hills, Venice Beach, TCL Chinese Theater, Mulholland Drive, and then cap off y...[Read more](#)

[Lowest price guarantee](#) • [Reserve now & pay later](#) • [Free cancellation](#)

Ages 0-120

Duration: 6-7 hours

Start time: Check availability

Reserve your spot

Thu, Jun 08

2

1 option available for 6/8

Los Angeles Private Guided Sightseeing Full-Day Tour



Pickup included

Per group (up to 6) x \$659.00

Total \$659.00

(No additional taxes or booking fees)

Add to Cart

Reserve Now

Final Warning Regarding Business



Graham, Destiny

To [redacted]



Reply



Reply All



Forward



Mon 5/1/2023 11:38 AM

This message was sent with High importance.

Good morning Simone,

Please start your application to apply for a permit by **Monday, May 8, 2023**, by COB and send me confirmation that the process has been started and payment has been processed. The other option is to also remove **ALL** forms of advertisements (trip advisors, Instagram, voicemail recordings etc), that indicate you are in service. This must be done by **Monday, May 8, 2023**, by COB if you choose not to apply for a permit. Both things can be done anywhere.

I want to reiterate that for you to operate and provide tours you **must** have a permit with the PUC. This is your final warning and if neither of the tasks are done by Monday, I will have to cite you.

If you have any questions, please don't hesitate to give me a call.

Destiny R. Graham

Regulatory Analyst

California Public Utilities Commission

Consumer Protection and Enforcement Division

Transportation Enforcement Branch/Field Enforcement Unit

Cell (628) 217-1952