



Public Utilities Commission
STATE OF CALIFORNIA

CITATION FOR VIOLATION
OF PUBLIC UTILITIES CODE

To: Alva Limolux LLC
ATTN: Edward Vayner
[REDACTED]
[REDACTED]

File: TCP 39397 (Active)
Date: May 24, 2024
Citation #: T.24-05-008
Case #: CSE-000043

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. This violation occurred on April 10, 2024.

- (1) Failed to produce access to records in violation of P.U. Code Sections 5389 and 5413 and G.O. 157-E Part 6.02 **[1 count]**

STATEMENT OF FACTS

The above violations are documented in the attached Investigation Report, which consists of the 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 10, 2024. 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 10, 2024, 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

File No.: TCP 39397
Citation #: T.24-05-008
Date: May 24, 2024
Case #: CSE-000043

CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated May 24, 2024, and herewith pay the fine of \$2,000.

Alva Limolux LLC
Edward Vayner



(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

Automatic credit and debit card payments are also available. To arrange for auto-pay, fill out the attached CREDIT OR DEBIT CARD AUTHORIZATION form and email to our Fiscal Office at FiscalOffice-TECitations@cpuc.ca.gov.

INVESTIGATION REPORT

CARRIER: Alva Limolux, LLC
CA Secretary of State: 202008410498 (Active)

OFFICERS: Edward Vayner, Owner
Alex Vayner, Owner
Alva Security, Owner

AUTHORITY: TCP 39397(Active)

MAILING ADDRESS: [REDACTED]

PHONE/EMAIL: [REDACTED]

VEHICLES: 2 vehicles

EMPLOYEE-DRIVERS: None

PL&PD INSURANCE: [REDACTED]

Policy #: [REDACTED]

Effective Date: 12/18/2023

WORKERS' COMPENSATION INSURANCE: None

DRUG CONSORTIUM: [REDACTED]

REVENUE:	<u>Year</u>	<u>Revenue</u>
	2021	[REDACTED]
	2022	[REDACTED]
	2023	[REDACTED]

INTRODUCTION

On January 8, 2024, I was assigned to investigate the operations and practices of Alva Limolux LLC, hereinafter referred to as Alva, because Alva was allegedly operating with more vehicles and drivers than what was reported to the California Public Utilities Commission (Commission).

VIOLATIONS

I investigated Alva from January 8, 2024, to May 22, 2024, and found violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

- **Alva failed to provide access to records in violation of Pub. Util. Code Sections 5389 and 5413 and G.O. 157-E Part 6.02 [1 count].**

On March 21, 2024, I sent Alva a data request [Attachment 1] via the Transportation Charter Party (TCP) Portal to [REDACTED], with a due date of April 9, 2024. On March 25, 2024, Alex Vayner, one of the three owners of Alva, called me because he had questions regarding his TCP permit. I directed Mr. Vayner to our Transportation Licensing and Analysis Branch (TLAB). Mr. Vayner stated he would have the information requested by the end of March 2024. Following our conversation, I sent an email recapping our conversation [Attachment 2]. To date, Alva still has not provided any records to me.

DECLARATION

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

Executed on May 23, 2024, in San Francisco, California

Destiny Graham

Destiny Graham, PURA II

List of Attachments

Attachment 1 -- Data Request sent on March 21, 2024

Attachment 2 -- Email Recap sent on March 25, 2024

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



March 21, 2024

TCP: 39397 (Active)

Case No.: CSE-000043

Edward Vayner
Subject: Data Request

Dear Edward Vayner:

The California Public Utilities Commission's (Commission) Consumer Protection and Enforcement Division (CPED) Transportation Enforcement Branch (TEB) is currently reviewing the Commission's records for intrastate transportation carriers that are regulated by the Commission.

Public Utilities Code Section 5389 authorizes the Commission and its staff to have access at any time to the land, buildings, or equipment of a charter-party carrier of passengers used in connection with the operation of its business and may inspect the accounts, books, papers, and documents of the carrier.

General Order 157-E, Part 6.01 specifically states in part that every carrier shall institute and maintain in its offices a set of records which reflect information as to the transportation services performed, including waybills, driver records, and safety and maintenance records including copies of all lease and sub-carrier agreements. Such records shall be maintained for a minimum period of three years.

Pursuant to Public Utilities Code Section 5389, the Commission is requesting a review of the Charter-Party intrastate transportation records for Alva Limolux LLC. Failure to provide access to records is a misdemeanor punishable by a maximum of \$5,000, or by imprisonment in a county jail not exceeding one year, or by both fine and imprisonment, where each violation is a separate and distinct offense (Public Utilities Code Section 2110).

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



We are requesting that you present your documents listed below in electronic form. Please scan the following documents and email a copy to Destiny Graham at Destiny.Graham@cpuc.ca.gov by April 9, 2024.

1. Your current public liability and property damage insurance policy showing the schedule of vehicles and drivers insured,
2. Current service agreement with your Drug Consortium and a list of all drivers enrolled showing dates added and/or deleted.

CPED reserves the right to amend, add to or revise this Data Request in the future if necessary. Any responsive records provided by you that have been properly labeled and submitted as confidential will be treated as such, under Public Utilities Code Section 583 (see also General Order 66-D). Confidential documents will not be released to the public except as required by law following a Public Records Request and redaction of confidential material.

If you have any questions, please do not hesitate to call me at 628-217-1952 or e-mail Destiny.Graham@cpuc.ca.gov.

Sincerely,

Destiny Graham, PURA II
California Public Utilities Commission
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Email: Destiny.Graham@cpuc.ca.gov
Telephone: 628-217-1952

Follow-up Email



Graham, Destiny

To |



Reply



Reply All



Forward



Mon 3/25/2024 2:36 PM

Hi Alex,

It was nice speaking with you a few moments ago. As discussed, the Transportation Licensing and Analysis Branch handles all things related to your permit. Here is their email address: licensing@cpuc.ca.gov.

Also, in regards to the data request that was sent, please let me know if you need more time at least three days before the due date. If you have any questions, don't hesitate to reach out again.

Thank you!

Destiny R. Graham

Public Utilities Regulatory Analyst II

California Public Utilities Commission

Consumer Protection and Enforcement Division

Transportation Enforcement Branch/Field Enforcement Unit

Cell (628) 217-1952

Email: Destiny.Graham@cpuc.ca.gov