



Public Utilities Commission
STATE OF CALIFORNIA

CITATION FOR VIOLATION
OF PUBLIC UTILITIES CODE

To: Crystal Express LLC
ATTN: Jose Juan Medina
[REDACTED]
[REDACTED]

File: TCP 40878 (Active)
Date: July 26, 2024
Citation #: T.24-07-004
Case #: PSG-5973

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 September 27, 2023.

- (1) Engaged one (1) employee driver with the evidence of worker's compensation insurance in effect and on file with the Commission in violation of Pub. Util Code Section 5378.1 **[1 count]**
- (2) Failure to enroll at least one (1) employee driver in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Program in violation of Pub. Util. Code Sections 5381, 5374 (a)(1)(D), G.O. 157-E, Part 5.02, and the California Vehicle Code (CVC) Section 1808.1 **[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 August 16, 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 August 16, 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, Program and Project Supervisor
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 July 26, 2024, and herewith pay the fine of \$2,000.

Crystal Express LLC
Jose Juan Medina
San Jose

(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: Crystal Express, LLC
CA Secretary of State: 202120110260 (Active)

OFFICERS: Jose Juan Medina, Owner

AUTHORITY: TCP 40878 (Active)

MAILING ADDRESS: [REDACTED]

PHONE/EMAIL: [REDACTED]

VEHICLES: 1 vehicle [REDACTED]

EMPLOYEE-DRIVERS: None

PL&PD INSURANCE: National Liability and Fire Insurance Company
Policy #: [REDACTED]
Effective Date: 02/14/2024

WORKERS' COMPENSATION INSURANCE: The Pie Insurance Company
Policy #: [REDACTED]
Effective Date: 01/4/2024

DRUG CONSORTIUM: New Era Drug Testing

REVENUE:

<u>Year</u>	<u>Revenue</u>
2022	[REDACTED]

INTRODUCTION

On October 26, 2023, I was assigned to investigate Crystal Express LLC (hereinafter referred to as Crystal Express) because it engaged one employee driver operating at Cache Creek Casino on September 27, 2023, and did not have Workers' Compensation Insurance [**Attachment 1**].

VIOLATIONS

I investigated Crystal Express from October 26, 2023, to June 6, 2024, and found violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

- **Crystal Express engaged one (1) employee driver without the evidence of worker's compensation insurance in effect and on file with the Commission in violation of Pub. Util. Code Section 5378.1 [1 count].**

The Transportation Licensing and Analysis Branch (TLAB) record showed that Crystal Express did not have Workers' Compensation insurance on file with the Commission at the time [**Attachment 2**]. On September 27, 2023, Enforcement Analytics Shirley Lei and Ming Li observed Crystal Express engaged one employee driver, Consuelo Hernandez, with driver's license number [REDACTED], operating at Cache Creek Casino. Crystal Express was served an Observation report, and employee driver Consuelo Hernandez signed it.

- **Crystal Express failed to enroll at least one (1) employee driver in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Program in violation of Pub. Util. Code Sections 5381, 5374 (a)(1)(D), GO 157-E, Part 5.02, and the California Vehicle Code (CVC) Section 1808.1 [1 count].**

Crystal Express's DMV Requester code [REDACTED] showed two drivers, Jose Juan Medina, the owner, and Demetrio Estrada Lopez. The employee driver, Consuelo Hernandez, was not enrolled in the DMV EPN at the time of operation. Ms. Hernandez was observed operating a bus for Crystal Express at Cache Creek Casino on September 27, 2023. [**Attachment 3**].

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 July 26, 2024, in San Francisco, California

Destiny Graham

Destiny Graham, PURA III

List of Attachments

Attachment 1 -- Inspection Observation Report

Attachment 2 -- Screenshot of Crystal Express Insurance Carriers

Attachment 3 -- Screenshot of Crystal Express' DMVEPN

TRANSPORTATION ENFORCEMENT BRANCH
Field Operation After Action Report

Operation Name:	Cache Creek Field Inspection	Date of Report:	9/27/2023	
Operation Location:	1445 CA-16, Brooks, CA 95606			
Lead Enforcement Analyst:	Shirley Lei			
Vehicle(s) Used:	State, Rental and Personal Vehicles			
Personnel Title (Non-CPUC)	Name (First and Last)*	Title/Affiliation	Description of Participation & Approx. hours in the field	
Supervisor	Christopher Snook	MCS/CHP	Participant	
Sergeant	Brian Barnhart	MRE/CHP	Participant	
CPUC Personnel Title	Name (First and Last)	Date (One Date Per Row)	Time Starting Operation**	Time Ending Operation**
Lead Enforcement Analyst	Shirley Lei	9/27/2023	8:30 AM	1:30 PM
Enforcement Analyst	Ming Feng Li	9/27/2023	8:30 AM	1:30 PM
* Contact information for external participants is listed on the pre-operation report				
** Do not include travel time				

OPERATION SUMMARY							
If Joint Operation (list external agencies)		CHP					
Operation Mode (Foot, Vehicle, On-Site):		On-Site		Operation Location:		Cache Creek Casino	
TCP # of Carrier Observations:		6		TCP # of Probable Violations:		1	
PSC # of Carrier Observations:		0		PSC # of Probable Violations:		0	
TNC # of Carrier Observations:		0		TNC # of Probable Violations:		0	
Prob. Viols. Issued External Authorities:		0		# Impounds		0	
# Citations Issued in Field: (future ref)		0		# C&D's Issued in the Field:		0	
OPERATION DETAIL – Probable Violations (as verified in TCP Portal)							
Obs. #	TNC/ TCP/ PSC #	Plate # and VIN And If Listed (Y or N)	Carrier Name, Driver Name, DL# & Class	List Violations (include all TNC Prob. Viols. also)	C&D	RWC	Impound
1	40878	██████████	Jose Juan Medina Driver: Consuelo Hernandez DL ██████████	Pub. Util. Code 5378.1 No Workers Compensation Insurance	N/A	Employee	No

Plate #, VIN #, & Listed: License Plate number and is the vehicle listed on the equipment list?

W/C = Workers' Compensation coverage? (Yes or No)

List Violations = OWOP, Ads, PLPD, WKCP, DMV Pull, Drug & Alcohol, GO157, Airport Auth., Fees, Subs, DA Investigation Prob. Viol.

C&D = Issued Cease and Desist in the field

Relationship with Carrier (RWC) = Owner, Employee, Sub-carrier, other

Impound = Yes or No

Note: If you need more room on the table above to enter data related to probable violations, please expand the table to meet your needs. The table does not reflect all relevant documents you may collect or verify on TCP/Case Tracker. You may collect additional relevant data not listed in the table above that is necessary for an Investigative Report (please include all relevant data in this After-Action Report).

CONCLUSIONS/RECOMMENDATIONS

Please summarize the overall operation and provide conclusions and recommendations for action items (items for continuous improvement) going forward and list any notes of interest. If need more room, can add an attachment.

Summary:

On September 27, 2023, TEB Enforcement Analysts Ming Li and Shirley Lei participated in a strike force bus inspection with the California Highway Patrol at Cache Creek Casino in Brooks, California.

A total of six buses were inspected during the operation. All six buses showed active authorities at the time of inspection. However, Crystal Express LLC TCP 40878 operated with an employee driver, Consuelo Hernandez, without Workers' Compensation insurance on file with the Commission.

Recommendations:

I recommend further investigation of Crystal Express LLC (TCP 40878) for operating with employee drivers without Workers' Compensation insurance on file with the Commission.

ATTACHMENTS / PHOTOS / C&D LETTERS / ETC.

Attach and label all photographs, copies of documents issued in the field, any other documents of interest collected in the field such as waybills, insurance documents, CHP reports, etc. Be sure to title each attachment, so the reader knows which (carrier/vehicle) observation it is associated with. Please also attach the pre-operation report.]

List of Attachments

1	Supporting Photo
2	Inspection Report

Photo One: Crystal Express TCP 40878 Bus with license plate 44788G3



Photo Two: Inspection Observation Report on Crystal Express LLC.

CALIFORNIA PUBLIC UTILITIES COMMISSION
INSPECTION OBSERVATION REPORT

Location: Airport/Other: CoachCrack Date: 9/27/23
Prime Carrier: [Redacted] /TCP/TNC: 40878 Investigator: SL6
Address: [Redacted] City: [Redacted] Zip: [Redacted]
Driver: Consuelo Hernandez CDL# [Redacted] State: [Redacted] Class: [Redacted]
Address: _____ City: _____ Zip: _____
Phone: _____ Years w/company: _____ Prime Carrier: _____
Relationship with Carrier: Owner/ Employee/ Sub-carrier/ Other: _____
Comments: _____
License Plate #: [Redacted] VIN #: [Redacted] Registration Exp.: _____ Seats: 58
Registered Owner: Crystal Express LLC Leased/Owned (Circle one)
Address: [Redacted]
City: [Redacted] Zip: [Redacted] Phone: [Redacted]

Violation(s):

Vehicle: TCP # Not shown on rear/front bumper No Trade Dress Front Rear
 Vehicle not listed with PUC Carrier's name not on side of vehicle*
 PSC/TCP # not on side of vehicle* Carrier's name not on side of vehicle*
*Exempt for vehicles < 15 passengers incl. driver or leased < 30 days

Waybill: No waybill Carrier Name /TCP# Vehicle License Plate #
 Driver's Name Time/Date Charter arranged Origin/Destination
 No. of person in group Name/address of persons arranging charter
 Transportation arranged by phone or written contract
 Name of at least 1 passenger in traveling party or identification of traveling party's affiliation

TNC OPS: No Trade Dress Front Rear
 Profile Non-Match
 Lack Proof of Prearranged Ride
 Non-State CDL
 No Airport Permit

Violation(s): Yes, as noted above and in comments below No Violation

Law Enforcement Citation No.: _____

Comments: No Workers Comp Insurance. Driver is not owner Jose Juan Medina

Signature and Title

Note: Failure to take corrective action may result in enforcement action including imposition of fines

Accounts > CRYSTAL EXPRESS L.L.C.
Insurances (Carrier)

5 items • Sorted by Policy Status • Updated a few seconds ago

[Settings] [Refresh] [Filter]

	<input type="checkbox"/> Policy#	Policy St... ↑	Policy Amount	Policy Type	Policy Sub Type	Policy Effectiv...	Policy Cancel...	Last Modified Date	
1	<input type="checkbox"/>	Active		Stand Alone Policy	Workers Compensation	1/4/2024	1/5/2025	1/8/2024 9:46 AM	[dropdown]
2	<input type="checkbox"/>	Active		Stand Alone Policy	PL/PD Policy	2/14/2024		2/14/2024 11:24 AM	[dropdown]
3	<input type="checkbox"/>	Cancelled		Stand Alone Policy	PL/PD Policy	2/14/2023	2/14/2024	2/14/2024 1:00 AM	[dropdown]
4	<input type="checkbox"/>	Cancelled		Bundled Policy	PL/PD Primary	2/14/2022	2/14/2023	2/14/2023 1:01 AM	[dropdown]
5	<input type="checkbox"/>	Cancelled		Bundled Policy	PL/PD Excess	2/14/2022	2/14/2023	2/14/2023 1:01 AM	[dropdown]

DRIVER SEARCH

Driver Name


DL Number

Requester Code

Add Date





Delete Date



Search

Reset

Print

Driver Name	DL Number	Requester Code	Add Date	Delete Date	Status	
ESTRADALOPEZ DEMETRIO			06/13/2022		Enrolled	
MEDINA JOSE JUAN			08/11/2021		Enrolled	

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