



Public Utilities Commission

STATE OF CALIFORNIA

CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

To: Dennis Gaela dba Diamond Van Transport
Attn: Dennis Gaela
1811 Avenida Martina
Roseville, CA 95747

File: TCP 44282-P
Citation #: T.2025-01-002
Date: January 14, 2025
Case #: CSE-000237

VIOLATIONS

You are hereby cited as having violated a section of the Public Utilities (Pub. Util.) Code as described below. The violation occurred during the period of August 20, 2024.

- (1) Operated as a Charter-Party Carrier (TCP) during suspension of his authority, in violation of Pub. Util. Code Section 5379 [**1 count**].

STATEMENT OF FACTS

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

RESPONSE

You are hereby called upon to answer this citation on or before February 3, 2025. By way of such an answer, you may either:

- (1) Pay a fine of \$2,000 pursuant to Pub. Util. 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 CPUC 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 the 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 February 3, 2025, you will be in default and will have forfeited your right to appeal the Citation. CPUC may also act through a civil or criminal proceeding to recover any unpaid fine and ensure compliance with applicable statutes and CPUC orders.

Eric Hooks

Eric Hooks
Program and Project Supervisor
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Telephone number: (415) 703-2302
E-mail address: eric.hooks@cpuc.ca.gov

Attachments



Public Utilities Commission

STATE OF CALIFORNIA

CITATION COMPLIANCE AGREEMENT

File No.: TCP 44282-P
Citation #: T.2025-01-002
Date: January 14, 2025
Case #: CSE-000237

I (we) hereby agree to comply with this citation dated February 3, 2025, and herewith pay the fine of \$2,000.

Dennis Gaela dba Diamond Van Transport
Attn: Dennis Gaela
1811 Avenida Martina
Roseville, CA 95747

(Signature)

(Title)

(Date)

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

Or

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: Dennis Gaela, an Individual
Doing business as (dba) Diamond Van Transport

OWNER Dennis Gaela

AUTHORITY: TCP 44282-P, Suspended

MAILING ADDRESS: 1811 Avenida Martina
Roseville, CA 95747

PHONE/EMAIL: [REDACTED]

VEHICLES: 1

EMPLOYEE-DRIVERS: 1

PL&PD¹ Gateway Insurance Company
INSURANCE: Policy Number: [REDACTED]
Cancellation Date: August 1, 2024

DRUG CONSORTIUM: ARCpoint Labs of Roseville-Rocklin

¹ Public Liability and Property Damage (PL&PD)

INTRODUCTION

On September 16, 2024, I was assigned to investigate the operations and practices of Dennis Gaela dba Diamond Van Transport (hereinafter referred to as Dennis Gaela) because of a citation issued by San Francisco International Airport (SFO) Ground Transportation Unit (GTU) for operating during suspension of his authority and no airport permit.

VIOLATIONS

I investigated Dennis Gaela for the period of August 20, 2024, and found a violation of the following provisions of the Public Utilities (Pub. Util.) Code and a California Public Utilities Commission (CPUC) General Order (G.O.):

- **Operated as a Charter-Party Carrier (TCP) during suspension of authority, in violation of Pub. Util. Code Section 5379 [1 count].**

Pub. Util. Code 5379 states in part that “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.”

The CPUC’s Transportation and Licensing Analysis Branch (TLAB) records show that a Notice of Voluntary Suspension of Operating Authority was sent to Dennis Gaela on July 31, 2024, approving the request for a voluntary suspension for July 31, 2024, to August 2, 2026 [**Attachment 1**].

On August 20, 2024, SFO GTU issued Dennis Gaela Citation [REDACTED] for operating with a suspended TCP authority and no airport permit. My investigation disclosed that Dennis Gaela operated one day during the suspension of his authority [**Attachment 2**]. On September 16, 2024, I sent a Cease and Desist letter via email to [REDACTED] and via USPS mail to 181 Avenida Martina, Roseville, CA 95747 [**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 January 14, 2025, at Los Angeles, California.

LaTasha James

LaTasha James, Enforcement Analyst
Consumer Protection & Enforcement Division
Transportation Enforcement Branch

List of Attachments

- Attachment 1. Notice of Voluntary Suspension of Operating Authority
- Attachment 2. SFO GTU Citation [REDACTED]
- Attachment 3. Notice to Cease and Desist Dennis Gaela dba Diamond Van Transport

Attachment One

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, CA 94102-3298



NOTICE OF VOLUNTARY SUSPENSION

DIAMOND VAN TRANSPORT

PSG0044282

ATTN:DENNIS A. GAELA
1811 AVENIDA MARTINA
ROSEVILLE CALIFORNIA 95747

TCP P PERMIT

DATE: JUL 31, 2024

PLEASE INCLUDE YOUR PSG NUMBER AND CASE NUMBER ON ALL CORRESPONDENCE

Your request to voluntarily suspend the CPUC-issued transportation operating authority (permit or certificate) listed on this letter has been approved.

If not sooner, your period of voluntary suspension will automatically terminate upon expiration of your operating authority on **8/2/2026**.

Placing your operating authority in "Voluntary Suspension" status allows you to pause compliance with certain operating requirements, such as possession of active insurance, without causing your operating authority to become revoked.

IMPORTANT: During the period of voluntary suspension, the following actions are still required to avoid becoming revoked. Failing to adhere to conditions (2) and (3) below may result in revocation of your operating authorities at any time.

- 1) To cease operations
- 2) To file quarterly or annual Public Utilities Commission Transportation Reimbursement Account (PUCTRA) reports of gross intrastate operating revenue and to pay any required PUCTRA fees
- 3) To respond to information requests from the Commission

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 Transportation Charter-Party carrier (TCP) of passengers to conduct any operations as a carrier. (California Public Utilities Code §§ 5379). Unlawful operations are subject to fines and penalties as set forth in the California Public Utilities Code and may include permanent revocation of your operating authority or being permanently barred from receiving an operating authority.

Maya Daye
maya.daye@cpuc.ca.gov
Licensing Section

FILING FEES ARE NOT REFUNDABLE

Attachment Two



AIRPORT COMMISSION
SAN FRANCISCO INTERNATIONAL AIRPORT
GROUND TRANSPORTATION ADMINISTRATIVE CITATION

Warning Only

Date: 8/20/2024

Time: 18:40 PDT

Day: Tuesday

Plate #: [REDACTED]

VIN #:

Make: [REDACTED]

Model:

Style: Van

Color: Silver

Company: Non-Permitted Operator

TCP #: 099999

Location: IT Dep

Violated Rules and Regulations

9.2 Operating a Business without Airport Authorization

Comment: TCP# 44282 - No SFO Permit, TCP SUSPENDED

Issuing Authority: GTC

Issuer Id: [REDACTED]

FINES SHALL BE ASSESSED PER RULE 14 OF SFIA AIRPORT RULES AND REGULATIONS AND/OR APPLICABLE OPERATING PERMIT.



Attachment Three

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, California, 94102



Sent via email: diamondvanshuttle@gmail.com

September 16, 2024

TCP: #44282 P (Suspended)

SFO Citation No.: [REDACTED]

Dennis A Gaela
dba Diamond Van Transport
1811 Avenida Martina
Roseville, CA 95747

NOTICE TO CEASE AND DESIST

Dear Dennis Gaela:

On July 31, 2024, your Charter-Party Carrier (TCP) authority was suspended because you requested voluntary revocation of your operating authority with the California Public Utilities Commission (CPUC).

Public Utilities (Pub. Util.) Code Section 5379 states in part that it is unlawful for a TCP to conduct any operations after cancellation or revocation, or during the period of its suspension, or after the expiration of its authority. Pub. Util. Code Section 5414.5 states that it is unlawful to publish or advertise without a valid authority. Advertisements include, but are not limited to, advertising in local directories or Yellow Pages, business cards, websites, etc.

Diamond Van Transport must immediately cease and desist from all unlawful operations, including advertising. Pub. Util. Code Section 5411 states in part that any carrier which operates without a valid authority is guilty of a misdemeanor and is punishable by a fine of not less than \$1,000.

On August 20, 2024, Dennis A Gaela dba Diamond Van Transport was found operating without a valid authority at the San Francisco International Airport (SFO) and was issued a Warning Citation Number [REDACTED] by the SFO Ground Transportation Unit.

This letter places your company on notice that continued violations of the law without the required authority may result in enforcement actions, including criminal prosecutions. There will be no further warnings.

For information on obtaining a permit or certificate, go to:

<http://www.cpuc.ca.gov/transportationlicensing/>.

Please contact me within five days of receiving this notice at the telephone number and email address listed below.

Sincerely,

LaTasha James

LaTasha James, Public Utilities Regulatory Analyst

California Public Utilities Commission

Consumer Protection and Enforcement Division

Transportation Enforcement Branch

Email: latasha.james@cpuc.ca.gov

Telephone: (213) 605-0652

cc: Eric Hooks, Program and Project Supervisor

PSG NO.: _____

CARRIER NAME: _____

CREDIT OR DEBIT CARD AUTHORIZATION

(PRINTED NAME)

Do hereby authorize the CALIFORNIA PUBLIC UTILITIES COMMISSION (**CPUC**) to charge the

Amount of _____ from my VISA / MASTERCARD (Circle one)

Card No. : _____

Expiration date: _____

Cardholder Authorized Signature

Today's date

Attachments:

Photocopy of Credit Card (Front & Back)

Photocopy of Cardholder's Driver's License

HOW TO FILE AN APPEAL OF A CITATION

IF YOU WISH TO APPEAL THIS CITATION, YOU MUST DO SO WITHIN 20 CALENDAR DAYS OF THE DATE YOU RECEIVED THE CITATION.

There are two options to file your appeal, both options require use of the Appeal Form located at the link below:

Appeal Form

Option 1: You may file your appeal electronically by following the instructions on the CPUC's Filing A Document Electronically (E-filing) webpage [E-File a Document \(ca.gov\)](#)

Option 2: You may file you appeal by sending six (6) paper copies addressed to CPUC's Docket office:

**California Public Utilities Commission
Docket Office, 2nd Floor
505 Van Ness Ave
San Francisco, CA 94102**

After Filing your appeal, you must also serve the Notice of Appeal:

To serve copies of the Notice of Appeal, you must attach a “**Certificate of Service for a Citation Appeal.**” In the Notice of Appeal, you must state why you are appealing the citation.

To properly serve the Notice of Appeal, send the Notice of Appeal and any attachments by e-mail to the following recipients:

1. **CPUC Docket Office**, ALJ_Docket_Office@cpuc.ca.gov
2. **Transportation Enforcement Inbox**, TEB_Citation_Appeals@cpuc.ca.gov
3. **Terra Curtis, Director CPED**, Terra.Curtis@cpuc.ca.gov
4. **Michelle Cooke, Chief Administrative Law Judge**, Michelle.Cooke@cpuc.ca.gov
5. **ALJ Division Appeals Coordinator**, ALJ_Div_Appeals_Coordinator@cpuc.ca.gov

Please note if you are appealing by the Paper Copy process you must also file the Notice of Appeal either by emailing as described above or mailing to the following:

Original plus six copies to:

1. **Docket Office**, California Public Utilities Commission, Docket Office, 2nd Floor, 505 Van Ness Ave., San Francisco, CA 94102

One Copy Each to:

2. **Terra Curtis, Director**, Consumer Protection and Enforcement Division, California Public Utilities Commission, 505 Van Ness Ave., 2nd Floor, San Francisco, CA 94102
3. **Michelle Cooke, Chief Administrative Law Judge**, California Public Utilities Commission, Administrative Law Division, 505 Van Ness Ave., 5th Floor, San Francisco, CA 94102
4. **ALJ Division Appeals Coordinator**, California Public Utilities Commission, Administrative Law Division, 505 Van Ness Ave., 5th Floor, San Francisco, CA 94102
5. **Kenneth Bruno, Program Manager**, Consumer Protection and Enforcement Division, Transportation Enforcement Branch, 320 W. 4th Street Los Angeles, CA 90013

[You may request an extension of time to file an appeal](#)

You may request up to 30 days additional time to file an appeal. To ask for extra time, contact the Supervisor listed on the citation on or before the due date to seek a 30-day extension. A copy of the letter granting you an extension must be attached to your appeal.

The Citation Appeals Process can be found in Appendix A of CPUC Resolution ALJ-377, available through this link: [ALJ-377 Appendix A Citation Appeal Rules](#). The relevant Citation Appeals Process are also included in the packet you received along with the citation.

[Paying the Citation and availability of Payment Plans](#)

If you do not want to file an appeal and agree to comply with the citation and pay the fine, sign the Citation Compliance Agreement. Contact the Supervisor listed on the citation before the due date to seek authorization for any payment plans as necessary.

[Frequently Asked Questions](#)

WHAT HAPPENS IF I DON'T RESPOND?

If you do not respond to the citation within the 20 calendar days, you will be in default of the citation, and will lose your right to appeal the citation. In addition, CPED will immediately suspend your operating authority. If you do not pay the citation amount or make a payment arrangement by 30 days after suspension of your operating authority, CPED will revoke your operating authority. Once we revoke your operating authority, we cannot reinstate it. Instead, first you must pay the citation fine, and then apply to the CPUC for **new** operating authority and pay a filing fee. The CPUC may also act through a civil or criminal proceeding to recover any unpaid fines and to ensure compliance with applicable statutes and CPUC orders.

WHAT ARE MY RIGHTS?

If you file a Notice of Appeal, the CPUC will set a **hearing date** for your appeal to be heard before an Administrative Law Judge (ALJ).

[Hearing Venue:](#)

Until further notice, all appeal hearings will be telephonic due to the COVID-19 pandemic. Telephone instructions will be provided by the ALJ prior to the telephone hearing.

At the hearing:

There are two different types of Hearing Procedures for an Appeal to be heard before a CPUC Administrative Law Judge.

Expedited Citation Appeal Procedure

Resolution ALJ-377 provides for an expedited process for citations at or below the jurisdictional limit of the Small Claims Court in California as referenced in Public Utilities Code § 1702.1. This is currently \$10,000 for individuals and \$5,000 for corporations.

- Attorneys or representatives are not allowed to represent parties in the expedited process.
- No court reporters will be present, nor will a transcript be provided.
- You are entitled to have an interpreter present at the hearing to translate for you. The CPUC will provide the interpreter cost free. To have an interpreter at the hearing, you must make a written request to the Acting Chief Administrative Law Judge and to the Office of the Public Advisor (see contact information, on this form) no later than five business days before the date of your hearing.
- You may provide evidence and call witnesses to testify for you. If you will be providing evidence for the record of the hearing, you must provide that evidence to CPED no later than three days before the date of your hearing.
- A party who is subject to the Expedited Citation Appeal Procedure, may at any time prior to the swearing in of the first witness at the evidentiary hearing, request termination of the Expedited Citation Appeal Procedure, and that the matter be recalendared for hearing under the Commission's regular procedure for Citation Appeals. The Commission or the assigned Administrative Law Judge, when the public interest so requires, may at any time prior to the filing of a resolution addressing the Citation Appeal, terminate the Expedited Citation Appeal Procedure and recalendar the matter for hearing under the Commission's regular procedure for Citation Appeals.

Regular Procedure for Citation Appeals

For cases exceeding the small claims threshold above, or when the appellant requests termination of the expedited procedure, the CPUC will use the regular procedure for citation appeals.

- You may have an attorney or someone else represent you, but you must pay for the attorney or other representative.
- You may ask for a transcript of the hearing, but you must pay the cost of the transcript.
- You are entitled to have an interpreter present at the hearing to translate for you. The CPUC will provide the interpreter, and you will not have to pay for the interpreter's service. To have an interpreter at the hearing, you must make a written request to the Acting Chief Administrative Law Judge and to the Office of the Public Advisor (see contact information, below) no later than five business days before the date of your hearing.

- You may provide evidence and call witnesses to testify for you. If you will be providing evidence for the record of the hearing, you must provide that evidence to CPED no later than three days before the date of your hearing.

WHERE CAN I GET HELP?

The CPUC's **Public Advisor's Office** can help you file your appeal. The Public Advisor's Office cannot appear at the hearing with you or help you present your appeal but can help you understand the appeal process. The Public Advisor's Office can be reached at:

Telephone: 866-849-8390 or 415-703-2074

Email: public.advisor@cpuc.ca.gov

Mail: CPUC Public Advisor, 505 Van Ness Avenue, San Francisco, CA 94102

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-187
Administrative Law Judge Division
September 22, 2005

RESOLUTION

RESOLUTION ALJ-187. Adopts Procedures for Appeal of Citations Issued to Household Goods Carriers, Charter Party Carriers, and Passenger Stage Corporations.

By a series of previous resolutions, the Commission has developed a program under which the Consumer Protection and Safety Division (CPSD) is authorized to issue citations to various classes of carriers for violation of the Public Utilities Code or Commission orders. In turn, a carrier issued such a citation may accept the fine imposed or contest it through a process of appeal. Now, in an effort to make this program more comprehensive and this process more efficient, the Commission has prepared new procedures to govern the appeal of these citations.

A draft of this resolution was issued on August 19, 2005, for public review and comment. No one filed comments. The resolution is adopted as originally proposed with minor clarifications.

IT IS THEREFORE RESOLVED that the following procedures shall govern appeals of citations for violation of statutes or Commission orders relating to household goods carriers, charter party carriers, and passenger stage corporations:

1. *Citation: Contents.* The citation served upon the respondent by the investigator shall include:
 - (a) A specification of each statute or Commission order allegedly violated;
 - (b) A statement of the facts upon which each alleged violation is based;
 - (c) A statement that the respondent may either pay the amount of the fine set forth in the citation or appeal the citation, as set forth herein, and that the respondent will forfeit the right to appeal the citation by failing to do either of these things within the allowable period;

- (d) An explanation of how to file an appeal, including an explanation of the respondent's right to have a hearing, to have a representative at the hearing, to request a transcript, and to request an interpreter; and
 - (e) A form of Notice of Appeal, and the form for requesting an interpreter.
2. *Citation: Response.* The respondent, within 20 days after the date of service of the citation, shall either remit payment of the full amount of the fine to CPSD, agree with CPSD on conditions for payment, or serve a Notice of Appeal upon CPSD. Upon request made to CPSD before the expiration of this deadline, the time to pay the fine or serve a Notice of Appeal may be extended by CPSD for a reasonable period not to exceed 30 days. CPSD may, in its discretion, grant one additional extension at the request of the respondent.
3. *Citation: Payment of fine; default.* If the respondent pays the full amount of the fine within the time allowed hereunder, the citation shall become final. If the respondent, within the time allowed pursuant to Paragraph 2, fails to pay the full amount of the fine or to file a Notice of Appeal, or if the respondent, having entered into an agreement with CPSD, fails to comply with any provision of that agreement, the respondent shall be in default, and the citation shall become final. In this event, the respondent shall have forfeited its right to appeal the citation, and CPSD shall immediately suspend the respondent's license. If the respondent fails to pay the full amount of the fine within 30 days thereafter, CPSD shall revoke the respondent's license, and may take any other action provided by law to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.
4. *Citation: Appeal.*
- (a) The Chief Administrative Law Judge shall designate an Administrative Law Judge to hear appeals of citations.
 - (b) Appeals of citations shall be heard in the Commission's San Francisco or Los Angeles courtrooms on regularly scheduled days. Appeals shall be calendared accordingly, except that a particular matter may be recalendared at the direction of the designated Administrative Law Judge.
 - (c) The appeal shall be brought by serving a Notice of Appeal upon CPSD, and the respondent shall indicate the grounds for the appeal in the notice. CPSD shall promptly advise the Chief Administrative Law Judge upon receipt of a timely Notice of Appeal.
 - (d) Upon advice from CPSD that a citation has been appealed, the Chief Administrative Law Judge shall promptly forward the matter to the

designated Administrative Law Judge, who shall set the matter for hearing on the first Citation Calendar not less than 10 days after advice of the appeal is received from CPSD. The Administrative Law Judge may, for good cause shown or upon agreement of the parties, grant a reasonable continuance of the hearing.

- (e) The respondent may order a transcript of the hearing, and shall pay the cost of the transcript in accordance with the Commission's usual procedures.
 - (f) The respondent shall be entitled to the services of an interpreter at the Commission's expense upon written request to the Chief Administrative Law Judge not less than three business days prior to the date of the hearing.
 - (g) The respondent may be represented at the hearing by an attorney or other representative, but such representation shall be at the respondent's sole expense.
 - (h) At the hearing, CPSD shall open and close. The Administrative Law Judge may, in his or her discretion, alter the order of presentation. Formal rules of evidence do not apply, and all relevant and reliable evidence may be received in the discretion of the Administrative Law Judge.
 - (i) Ordinarily, the appeal shall be submitted at the close of the hearing. In the discretion of the Administrative Law Judge upon a showing of good cause, the record may be kept open for a reasonable period to permit a party to submit additional evidence or argument.
 - (j) The Administrative Law Judge shall issue an order resolving the appeal not later than 30 days after the appeal is submitted, and the order shall be placed on the first available agenda, consistent with the Commission's applicable rules.
 - (k) From the date that CPSD receives a Notice of Appeal to and including the date when the final order is issued, neither the respondent nor the investigator, or agent or other person on behalf of the respondent or investigator, may communicate regarding the appeal, orally or in writing, with a Commissioner, Commissioner's advisor, or Administrative Law Judge, except as expressly permitted under these procedures.
5. *New Operating Authority.* A carrier whose license has been revoked hereunder may apply for new operating authority upon paying the fine in full. The application shall document (1) full payment of the fine, (2) correction of all violations for which the carrier was cited, (3) actions the carrier proposes in

order to prevent future violations, and (4) any other evidence demonstrating the carrier's ability and commitment to conducting its proposed operations in compliance with statutes and Commission orders.

This resolution becomes effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on September 22, 2005, the following Commissioners approving it:

/s/ STEVE LARSON

STEVE LARSON
Executive Director

MICHAEL R. PEEVEY
President

GEOFFREY F. BROWN

SUSAN P. KENNEDY

DIAN M. GRUENEICH

JOHN A. BOHN

Commissioners

CERTIFICATE OF SERVICE

I certify that I have on this day served the following documents on

Name: Dennis Gaela dba Diamond Van Transport TCP-44282 Case # CSE-000237

1. Administrative Citation T.2025-01-002 Date: 1/14/2025
2. Citation Compliance Agreement
3. Investigation Report and Attachments
4. Credit/Debit Card Authorization Form
5. How to File an Appeal
6. Notice of Appeal Form and Certificates of Service Form (from Resolution ALJ-377)
7. Resolution ALJ-187
8. Certificate of Service

Date: January 14, 2025

LaTasha James
LaTasha James
TEB Enforcement Analyst