

Public Utilities Commission STATE OF CALIFORNIA

CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

Го:	Five Star Adventures Inc.	File: <u>TCP-21937-A</u>
		(Revoked July 9, 2024)
	ATTN: Annette Kesson, Owner	Date: <u>January 23, 2025</u>
		Citation#: <u>T.2025-01-006</u>
		Case #: <u>CSE-185</u>

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 from June 1, 2024, through November 14, 2024.

- (1) Five Star Adventures Tours operated without Workers' Compensation Insurance Pub. Util. Code section 5378.1 [1 counts]
- (2) Five Star Adventures Tours Operated during revoked authority Pub. Util. Code section 5379 [5 counts]
- (3) Five Star Adventures Tours advertised as a charter-party carrier (TCP) during authority revoked authority Pub. Util. Code section 5414.5 [1 counts]
- (4) Five Star Adventures Tours provided incomplete Waybills in violation of Pub. Util. Code section 5381.5 and G.O. 157-E, Part 3.01 (TCP) [27 counts]

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 February 21, 2025. By way of such answer, you may either:

- (1) Pay a fine of \$4,000 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 February 21, 2025, 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

File No.: <u>Unlicensed</u> Citation #: <u>T.2025-01-006</u>

Date: <u>January 23, 2025</u> Case #: <u>CSE-185</u>

CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated February 21, 2025, and herewith pay the fine of \$4,000.

Five Star Adventures Inc. Annette Kesson
(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 <u>CREDIT OR DEBIT CARD AUTHORIZATION</u> form and email to our Fiscal Office at <u>FiscalOffice-.TECitations@cpuc.ca.gov</u>.

INVESTIGATION REPORT

Case: CSE-185

CARRIER: Five Star Adventures Inc.

OFFICERS: Annette Kesson, Owner

AUTHORITY: TCP- 21937-A (Revoke July 9, 2024)

PHYSICAL ADDRESS:

MAILING ADDRESS:

PHONE/EMAIL:

VEHICLES:

EMPLOYEE-DRIVERS: None

PL&PD

INSURANCE: Policy Number: Effective Date:

WORKERS'

COMPENSATION

INSURANCE:

None

2 Vans

DRUG

CONSORTIUM:



REVENUE:

Year Revenue 2021 \$ 2022

2023

INTRODUCTION

On July 9, 2024, I was assigned to investigate Five Star Adventures, Inc. (hereinafter referred to as Five Star Adventures). On June 14, 2024, at Port of America Operation, TEB Analyst observed Five Star Adventures employee driver Alan Louis Dorazio operating without Worker Compensation Insurance on file with the Commission [Attachment 1].

VIOLATIONS

The investigation from June 1, 2024, to November 14, 2024, disclosed violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

Five Star Adventures Tours operated without Workers' Compensation Insurance
 Pub. Util. Code section 5378.1 [1 counts]

On August 5, 2024, I sent a Cease and Dease Notice and data request to Five Star Adventures owner Annette Kesson via email at [Attachment 2]. I have requested Five Star Adventure to provide waybills from June 1, 2024, to July 31, 2024, evidence of Workers' Compensation Insurance, Public Liability and Property insurance (PL/PD) policy, sub-carrier list/agreements and the last three years of tax returns. On August 7, 2025, Ms. Kesson responded to my data request and acknowledged that someone else was transporting her passengers without Workers' Compensation Insurance [Attachment 3].

According to the waybills Five Star Adventures provided and TEB's observation report, employee driver Alan Louis Dorazio operated without Workers' Compensation on June 14, 2024. [Attachment 4].

• Five Star Adventures Tours Operated during revoked authority Pub. Util. Code section 5379 [5 counts]

The Transportation Licensing and Analysis Branch's (TLAB) records showed that Five Star Adventure's authority status was revoked on July 9, 2024 [Attachment 5]. After reviewing Five Star Adventures' waybills, I found that Five Star Adventures operated 5 days after the revocation on July 9, 2024 [Table 1 and Attachment 4].

Table 1 - Bookings according to Waybills

Booking ID	Availability	Item
	7/19/24 at 10:00 AM	Legends and Icons Tour
	7/22/24 at 10:00 AM	Legends and Icons Tour
	7/22/24 at 10:00 AM	Legends and Icons Tour
	7/25/24 at 10:00 AM	Legends and Icons Tour
	7/29/24 at 10:00 AM	Legends and Icons Tour
	7/30/24 at 10:00 AM	Legends and Icons Tour
	7/30/24 at 10:00 AM	Legends and Icons Tour

Five Star Adventures Tours advertised as a charter-party carrier (TCP) during authority revoked authority Pub. Util. Code section 5414.5 [1 counts]

On November 1, 2024, I found that Five Star Adventures continued advertising on www.fsatours.com after its authority was revoked on July 9, 2024. This website displays the TCP number TCP-21937 and the business name "Five Star Adventures Tours" on the home page [Attachment 5].

Five Star Adventures Tours provided incomplete Waybills in violation of Pub. Util. Code section 5381.5 and G.O. 157-E, Part 3.01 (TCP) [27 counts]

A review of the waybills provided by Five Star Adventures Tours disclosed that 27 waybills were not in full compliance and lacked some of the following required items [Attachment 4].

- 1. Driver's name,
- 2. Vehicle license plate number,
- 3. Number of passengers,
- 4. Address of the person requesting or arranging the charter.

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 February 23, 2025, in San Francisco, California.

Mingfeng Li, TEB Enforcement Analyst

List of Attachments

• Attachment 1 -	After Action Report Port of America 6-14-24
• Attachment 2 -	Cease and Dease Notice and Data Request Notice
• Attachment 3 -	Email: Annette replies to data request
• Attachment 4 -	Waybills (June 1, 2024 – July 31, 2024)
• Attachment 5 -	TLAB Revocation Letter
• Attachment 6 -	Website Home Page (www.fivestaradventures.com)

TRANSPORTATION ENFORCEMENT BRANCH Field Operation After Action Report

Operation Name:	Ports America Joint Operation			Date of Report:	6/14/2024		
Operation Location:		100 Swinford Street, San Pedro, CA					
Lead Enforcement Analyst:	:	Shirley Lei/Steve Esguerra					
Vehicle(s) Used:				-			
Personnel Title (Non- CPUC)	Name (First and	Last) * Title/Affiliation		Description of Participation & Approx. hours in the field			
			Senior Investigator	Participant			
			Investigator	Participant			
			Investigator	Participant			
			Investigator	Participant	articipant		
			Investigator	Participant			
			Investigator	Participant			
			Investigator	Participant			
			Investigator	Participant			
CPUC Personnel Title Name (First an		d Last) Date (One Date Per Row)		Time Starting Operation**	Time Ending Operation**		
Program and Project Supervisor	Rahmon Momoh		6/14/24	On-Site	On-Site		
Lead Enforcement Analyst	Shirley Lei		6/14/24				
Co-Lead Enforcement Analyst	Steve Esguerra		6/14/24				
Enforcement Analyst	Yueting Sun		6/14/24				
Enforcement Analyst	Mary Sekyi-App	oiah	6/14/24				
Enforcement Analyst	Ming Li		6/14/24				
* Contact information for ext ** Do not include travel time		sted on the	pre-operation report				

OPERATION SUMMARY											
If Joint Operation (list external				Los Angeles Department of Transportation							
Operation Mode (Foot, Vehicle, On-Site):				On-Site		Operation Location: Po				orts America	
TCP # of Carrier Observations:					TCP # of Pr Violations:	TCP # of Probable Violations:					
PSC #	# of Carrier (Observations	s:			PSC # of Probable Violations:					
TNC	# of Carrier	Observation	s:			TNC # of Probable Violations:					
1	Viols. Issued orities:	d External				# Impounds					
# Cita ref)	ations Issued	in Field: (fu	ture			# C&D's Iss	sued i	n the]	Field:		
	OI	PERATION	DETA	L – Probable Viol	lations (as verified in	TCP	Porta	l)	,	
Obs. #	TCP/PSC #	Plate#, VIN# and if listed	Drive	r Name, (includ		violations de all TNC Viols. also)	I TNC & on Repor			Impoun d	
3	TCP 21937		Five S Inc.	Five Stars Adventures Inc.		Engaged employee driver without WCKP Insurance, No front license plate, and TCP number not visible within 50 feet		Yes		No	



STATE OF CALIFORNIA Gavin Newsom, Governor

PUBLIC UTILITIES COMMISSION

505 Van Ness Ave San Francisco CA, 94102



8/5/2024 TCP No.: 21937 (Revoked)

Case No.: CSE-185

Five Star Adventures Inc.

Annette Kesson



Subject: Data Request

Dear Annette Kesson:

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 Five Star Adventures Inc. 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).

We are requesting that you present your documents listed below in electronic form. Please scan the following documents and email a copy to me at Mingfeng.li@cpuc.ca.gov by 8/16/2024.

- 1. Waybills for all intrastate TCP transportation, including transportation performed as Five Star Adventures Inc for June 1, 2024, to July 31, 2024.
- 2. Evidence of current Workers Compensation Insurance coverage, with employee list and classifications, for both authorities.
- 3. Your current public liability and property damage insurance policy showing schedule of vehicles and drivers insured,
- 4. List of all current sub-carriers and agreements,
- 5. Vehicle accident records including insurance loss runs showing dates of accidents and drivers' names for the last five (5) years,
- 6. Last three (3) years of filed Federal and State Income Tax Returns,
- 7. Other Fictitious Business Names (FBN) doing business as (dba),
- 8. All pre-employment and random drug test results for all your drivers within the last six (6) months

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 reduction of confidential material.

If you have any questions, please do not hesitate to call me at (415) 603-1950 or e-mail Mingfeng.li@cpuc.ca.gov.

Sincerely,

Ming Li, Public Utility Regulatory Analyst California Public Utilities Commission Consumer Protection and Enforcement Division Transportation Enforcement Branch Email: Mingfeng.li@cpuc.ca.gov Telephone: (415) 603-1950 cc: Rahmon Momoh, Program and Project Supervisor

PUBLIC UTILITIES COMMISSION

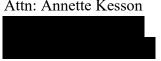
505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

8/5/2024 TCP: 21937 (Revoked)

Case No.: CSE-185

Five Star Adventures Inc. Attn: Annette Kesson



NOTICE TO CEASE AND DESIST

Dear Annette Kesson:

The California Public Utilities Commission (CPUC) has become aware that your Transportation Chater Party (TCP) carrier permit was revoked on July 9, 2024.

Public Utilities (Pub. Util.) Code Sections 1031 and 5371 state that it is unlawful for a Passenger Stage Corporation or a Charter-Party Carrier to conduct any operations without valid authority. Pub. Util. Code Sections 1034.5 and 5414.5 state that it is unlawful to publish or advertise without holding a valid operating authority. 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 all unlawful operations including advertising. Pub. Util. Code Section 5411 states in part that any TCP carrier which operates without a valid authority is guilty of a misdemeanor and is punishable by a fine not less than \$1,000.

This letter places your company on notice that continued violations of the law without the required operating 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/.



Page 2

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

Sincerely,



Ming Li – Public Utilities Regulatory Analyst I California Public Utilities Commission Consumer Protection and Enforcement Division Transportation Enforcement Branch Email: Mingfeng.li@cpuc.ca.gov

Telephone: (415)696-7320

From: Annette Kesson
To: Li, Mingfeng
Cc: annette Kesson

Subject: [EXTERNAL] Data Request CSE-185

Date: Tuesday, August 6, 2024 3:00:47 PM

Attachments: SCANNED DOC 001.pdf

CCF 026 AJ9d2mG.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ming,

To address the Data Request letter:

On June 14th, 2024 I had a friend drop guests at the Port of LA as I was ill and could not do it. He is not an employee, he is a friend doing a favor for me. Therefore there is no Workers Comp.

I do not have Sub-Carriers so there are no agreements.

There have been no accidents or incidence.

No other FBN or DBA

Here is the latest drug test for me, Annette Kesson

Can you please be more clear about the "Waybills" I do not have a document issued to a carrier as I am the carrier.

As far as the liability and property insurance, I thought you have that listed already on my authority. I am contacting my insurance co. and accountant to send the additional info.

Thank you,

Annette Kesson Five Star Adventures Inc.

Pooling Dataile 6 1 24 7 21 24 2024 06 01 2024 07 2



PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue San Francisco, CA 94102-3298



DBA: ANNETTE KESSON DBA: FIVE STAR ADVENTURES

PSG0021937

ATTN:FIVE STAR ADVENTURES INC



TCP CLASS A CERTIFICATE

Order of Revocation

This is notice from the California Public Utilities Commission (CPUC) that the operating authority listed on this letter is revoked effective **July 09, 2024**.

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 Passenger Stage Corporation (PSC) or a Transportation Charter-Party carrier (TCP) of passengers to conduct any operations as a carrier. (California Public Utilities Code §§ 1045, 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.

There is a ninety (90) day period in which a revoked carrier may apply to reinstate the revoked operating authority unless it was permanently revoked.

Date: Jul 09, 2024

PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA

licensing@cpuc.ca.gov

Revocation Reasons

Reason Revocation Date



Knott's Barry Farm Tickets Sold separately

CALL NOW FOR INFO

Mailing Address Only: Five Star Adventures Tours 42-215 Washington St. Suite A-369 Palm Desert CA. 92211 1-800-951-9495 1-760-200-9483 fsatours 1@email.com

www.fsatours.com TCP-0021937

- PALM SPRINGS CHAMBER OF COMMERCE
- INDIAN WELLS CHAMBER OF COMMERCE
- MIZELL SENIOR CENTER
- PALM SPRINGS BUREAU OF TOURISM
- PALM SPRINGS CONVENTION & VISITORS BUREAU
- PALM DESERT VISITORS CENTER
- PALM SPRINGS HOSPITALITY ASSOCIATION
- PALM SPRINGS LIFE MAGAZINE
- HOME
- LEDGENDS & ICONS TOUR
- MODERNISM PALM SPRINGS TOUR
- ALL ABOUT PALM SPRINGS TOUR
- MODS & ICONS TOUR
- GOLDEN ERA 360° TOUR
- WINE-DOWN IN PALM SPRINGS
- HOLLYWOOD EXCURSION
- AMUSEMENT PARKS
- CHARTER RENTEL SERVICES
- SHUTTLE TRANSPORTATION
- BROCHURE
- POLICIES

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Review Five Star Adventures Tours

OOOO (Click to rate)

114/135

^{*†} When and if available or possable foreclosures. Not responsible for any road closers or any acts of god.

For More Information

1-760-200-9483





WELCOME TO FIVE STAR ADVENTURES TOURS Simply The Best Tours In Palm Springs



• PRIVATE & SEMI-PRIVATE TOURS •

Most Popular Tours In Palm Springs

• Available To Groups As Your Private Tour • Historic Tennis Club District • Old Las Palmas • Little Tuscany • Walk Of Stars



GIFT CARDS

We Follow All COVID-19 Guidelines





#1 The Legends & Icons

Take an exclusive step back in time and see over 50 movie star homes of the past and present. Tour "Little Hollywood," the glamorous "Movie Colony," and hear

the history and stories...

✓ Movie Colony ✓ Little Hollywood

BOOK NOW ✓ Historic Tennis Club District

(i) MORE INFO

GIFT CARD

✓ Old Las Palmas ✓ Little Tuscany

#2 Modernism Of Palm Springs

This fun and exciting Modernism Tour of Palm Springs takes you places where a double decker bus can't possibly go. Take an in-depth look into the architects visual

expression that made Palm Springs world famous. ✓ Movie Colony

- ✓ Little Hollywood
- ✓ Historic Tennis Club District
- ✓ Old Las Palmas
- ✓ Little Tuscany

BOOK NOW

(i) MORE INFO





#3 It's All About Palm Springs

This Original "IT'S ALL ABOUT PALM SPRINGS TOUR" is the icing on the cake of all tours in Palm Springs. This fun tour will provide the most comprehensive and

accurate narrated tour... ✓ Palm Springs Airel Tram

✓ Movie Colony

✓ Little Hollywood → Historic Tennis Club District ✓ Old Las Palmas

✓ Little Tuscany

✓ Walk Of Stars

BOOK NOW

Thursday's Only

① MORE INFO



AVAILABLE NOW

#4 M O D S & ICONS TOUR This tour will provide the most comprehensive narrated tour, one that only the AWARD WINNING GUIDES of Five Star Adventures Tours can offer. Discover the two historically

famous worlds of Palm Springs when you see many of the movie star Mid- Century homes & stunning architectural designs.

✓ Movie Colony ✓ Little Hollywood ✓ Historic Tennis Club District

✓ Old Las Palmas

✓ Little Tuscany

BOOK NOW

① MORE INFO

GIFT CARD





#5 Palm Springs Golden Era 360°

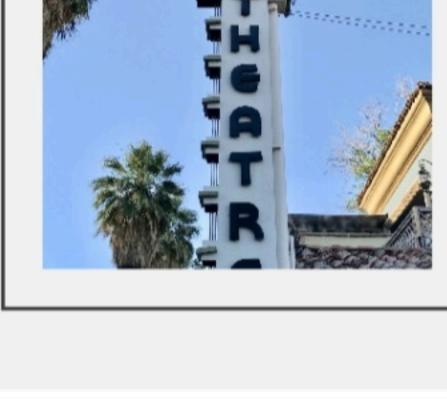
Tour "Little Hollywood, Old "Las Palmas" "Little Tuscany " and the Glamorous "Movie Colony." Discover Palm Spring' mid-century architecture. See over 30 movie MOVIE STAR homes, including those of Marilyn Monroe, Bob Hope and Frank Sinatra. We

will point out many of the different registered, historic neighborhoods surrounding the downtown Palm Springs area.

✓ Little Hollywood ✓ Old Las Palmas ✓ Little Tuscany

CALL NOW FOR AVAILABILITY

(i) MORE INFO



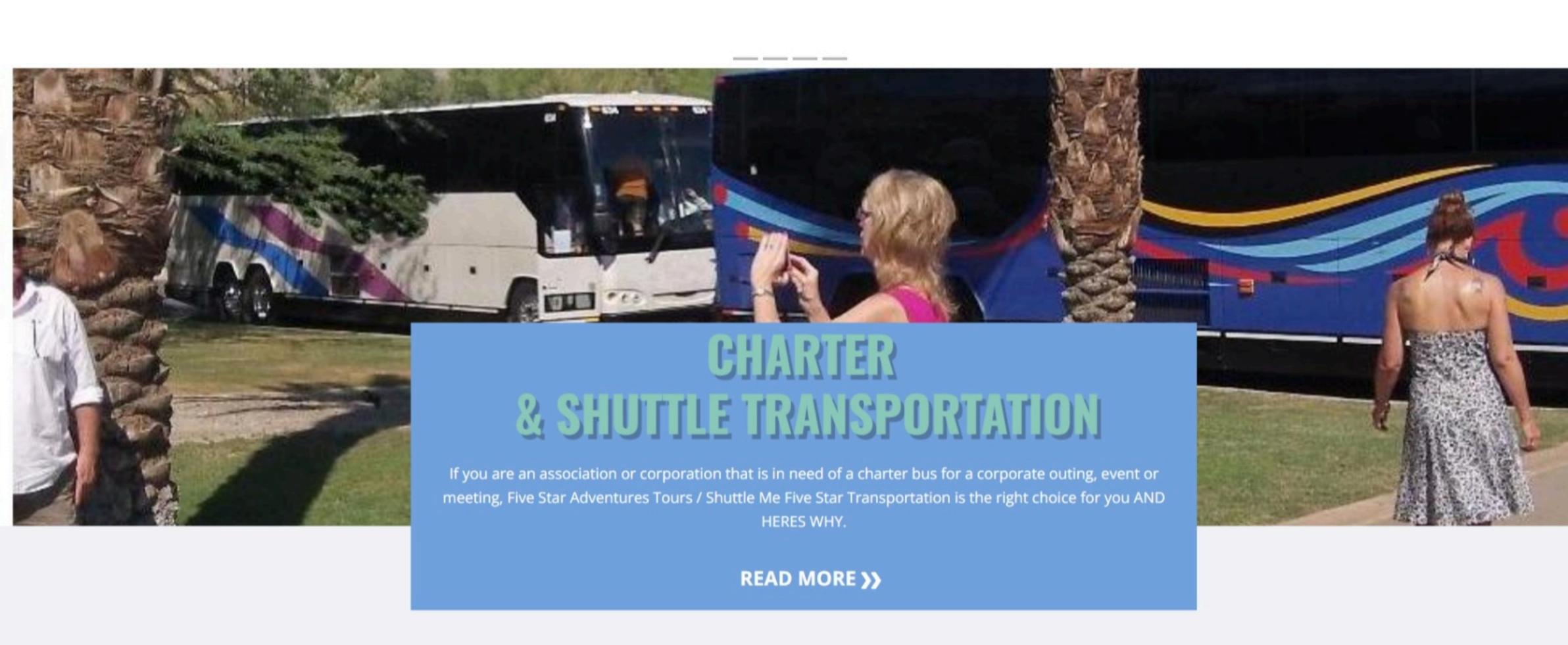
Great Iour Level Aft The Legends & Icons Your of Falm Springs

enjoy this moments

My wife and I did this tour last year, but brought other family members along this time. Annette was the tour guide this time and did a great job. She knew her stuff- the town, the history, the architecture, as well as who lived where. I am not a "celebrity impressed" guy, but this tour was well worth the time and money, and she did well.

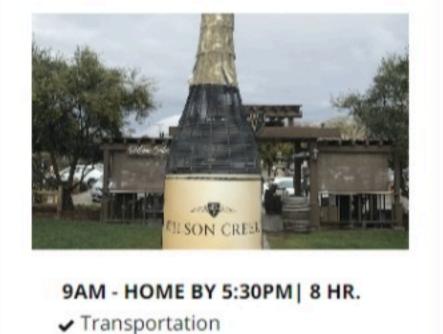
READ MORE





California Tours HOLLYWOOD EXCURSION

WINE-DOWN IN TEMECUTA



✓ Three Wineries ✓ Lunch With Views ✓ Wine Tasting Tickets

LEARN MORE

8AM - HOME BY 7PM | 10 HR. ✓ Santa Monica Pier

✓ Original Farmers Market → Beverly Hills / Rodeo Dr.

✓ Hollywood Walk Of Fame ✓ Hollywood Sign And More **LEARN MORE**

AMUSEMENT PARKS

7:30 - 5PM | 7- 12 HR. Call For Availability

Separately

✔ For Transportation Only Disneyland Tickets sold

✓ Knott's Barry Farm Tickets Sold separately

CALL NOW FOR INFO

Mailing Address Only: Five Star Adventures Tours 42-215 Washington St. Suite A-369

- Palm Desert CA. 92211 1-800-951-9495 1-760-200-9483
- fsatours1@gmail.com www.fsatours.com TCP-0021937
- PALM SPRINGS CHAMBER OF COMMERCE INDIAN WELLS CHAMBER OF COMMERCE
- MIZELL SENIOR CENTER PALM SPRINGS BUREAU OF TOURISM PALM SPRINGS CONVENTION & VISITORS BUREAU

PALM SPRINGS HOSPITALITY ASSOCIATION

PALM DESERT VISITORS CENTER

PALM SPRINGS LIFE MAGAZINE

- HOME
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- CHARTER RENTEL SERVICES SHUTTLE TRANSPORTATION BROCHURE POLICIES

AMUSEMENT PARKS

*† When and if available or possable foreclosures. Not responsible for any road closers or any acts of god.

FIVE STAR ADVENTURES TOURS

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