



Public Utilities Commission  
STATE OF CALIFORNIA

CITATION FOR VIOLATION  
OF PUBLIC UTILITIES CODE

To: Vivante Living  
ATTN: Bob Fiorentino  
1640 Monrovia  
Costa Mesa, CA 92627

File: Unlicensed  
Date: December 27, 2024  
Citation #: T.24-12-005  
Case #: CSE-153

**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 7, 2024, through December 16, 2024.

- (1) Vivante Living advertised without authority Pub. Util. Code section 5414.5 [**1 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 January 16, 2025. By way of such answer, you may either:

- (1) Pay a fine of \$1,000 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 January 16, 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*

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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.: Unlicensed  
Citation #: T.24-12-005  
Date: December 27, 2024  
Case #: CSE-153

CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated December 27, 2024, and herewith pay the fine of \$1,000.

Vivante Living  
Bob Fiorentino  
1640 Monrovia  
Costa Mesa, CA 92627

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(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](mailto:FiscalOffice-.TECitations@cpuc.ca.gov).

**INVESTIGATION REPORT**

**CARRIER:** Vivante Living


**OFFICERS:** Bob Fiorentino, Senior Executive Director

**AUTHORITY:** DFNT-00031 (Unauthorized Carrier)

**PHYSICAL ADDRESS:** 1640 Monrovia  
Costa Mesa, CA 92627

**MAILING ADDRESS:** 1640 Monrovia  
Costa Mesa, CA 92627

**PHONE/EMAIL:** (949) 629-2100 / info@vianteliving.com

**VEHICLES:** 

**EMPLOYEE-DRIVERS:** Unknown

**PL&PD INSURANCE:** N/A

**WORKERS' COMPENSATION INSURANCE:** N/A

**DRUG CONSORTIUM:** N/A

<b>REVENUE:</b>	<b>Year</b>	<b>Revenue</b>
	2021	N/A
	2022	N/A
	2023	N/A

## INTRODUCTION

On June 7, 2024, I was assigned to investigate Vivante Senior Living (hereinafter referred to as Vivante) because the Transportation Enforcement Branch (TEB) received a whistleblower complaint from the Safety and Enforcement Division (SED) that Vivante's vehicle license plate "[REDACTED]" was observed operating without authority [Attachment 1].

## VIOLATIONS

The investigation from June 7, 2024, to December 16, 2024, disclosed violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

- **Vivante advertised without proper authority Pub. Util. Code section 5414.5 [1 counts]**

The Whistleblower document showed TCP-number 35722, Vivante's website (www.vivanteliving.com), and phone number (949-629-2100) displayed on a vehicle with license plate "[REDACTED]". Prior to my assignment to investigate this case, Enforcement Analyst Destiny Graham found TCP number 35722 was registered to One Way Limo, and this company was not associated with Vivante or the vehicle "[REDACTED]". [Attachment 2].

On June 28, 2024, I emailed Vivante at [REDACTED] regarding the incorrect TCP number issue [Attachment 3]. On June 29, 2024, Vivante's Transportation Supervisor Christopher Orenos responded to my email and explained that the TCP number was transposed and provided corrected TCP number 37522. On July 1, 2024, Bob Fiorentino, Senior Executive Director of Vivante, clarified that Vivante operates under the management of ISL Employees, Inc. (hereinafter referred to as ISL). The vehicles are owned by Vivante but operated by ISL employees. Mr. Fiorentino also confirmed that Vivante has been displaying ISL's TCP number 37522 on their vehicles for the past 10 years [Attachment 4]. My investigation revealed that Vivante is a separate entity and needs its operating authority. On July 1, 2024, I served a Cease-and-Desist Letter to Vivante via email at

[REDACTED] and directed them to apply for a permit with the California Public Utilities Commission (CPUC) [**Attachment 5**].

## 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 December 27, 2024, in San Francisco, California.

Mingfeng Li  
Mingfeng Li, TEB Enforcement Analyst

## **List of Attachments**

- |                     |   |
|---------------------|---|
| <b>Attachment 1</b> | 20240084 - Vivante Living                                 |
| <b>Attachment 2</b> | Email: Destiny's Findings                                 |
| <b>Attachment 3</b> | Email: Initial contact regarding the potential violations |
| <b>Attachment 4</b> | Email: Vivante Responses                                  |
| <b>Attachment 5</b> | Cease and Dease Letter and email                          |



# **Attachment 1**

California Public Utilities Commission  
Transportation Informal Complaint Tracking System  
Printed as of 06-JUN-2024 10:19:15

Case #..... 20240084  
Inquiry Type..... Written  
Carrier Type..... Passenger Carrier  
Received by Area Office San Francisco  
Area Office Assigned...  
District Office.....  
Transferred To.....  
Representative..... Destiny Graham  
Received Date..... 31-MAY-2024  
Closed Date..... 06-JUN-2024  
Update Date.....  
Transfer Date.....

**COMPLAINANT:**

MTR/PSG/CA#..  
DBA..... SED  
Name..... SED  
Address.....  
City/St/Zip..  
Phone.....  
Email.....

**DEFENDANT:**

MTR/PSG/CA#..  
DBA..... VIVANTE LIVING  
Name.....  
Address..... 1640 MONROVIA AVE  
City/ST/Zip.. COSTA MESA CA 92627  
Phone..... (949) 629-2100

**COMPLAINT DESCRIPTION:**

Improper use of TCP, potentially operating without proper authority

**DISPOSITION DESCRIPTION:**

Referred to enforcement

California Public Utilities Commission  
Transportation Informal Complaint Tracking System  
Passenger Carrier Violation(s)  
Printed as of 06-JUN-2024 10:19:15

Failure to insure all equipment  
Failure to register interstate operations  
GO 157/158  
Loss or Damage  
No operating authority  
No worker's compensation  
Operations while suspended  
Other  
Service  
Unlicensed sub-carriers  
Advertising without a permit



**From:** [REDACTED]@uc.edu

**Sent:** Wednesday, May 29, 2024 3:55 PM

**To:** [REDACTED]@uc.edu; Safetyhotline <Safetyhotline@ucdavis.edu>

**Subject:** [EXTERNAL] Run Off Road by one of your drivers

**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 Christopher,

Attached is a photo of the van that came over on top of me when I was in the left turn lane and he was in the go straight lane.

About 10:15 am this morning, going westbound on Superior Ave. in Newport Beach I was in the left turn lane turning into lot for 500 Superior. This Vivante Living van pulled up alongside of me in the "going straight lane". When the light turned green for the left turn lane, even though the cars in the left were bumper to bumper, the driver of your very large van decided he wanted to turn left and came over practically on top of me. I had to abruptly brake and turn my car into the divider. Even though I had my hand on the horn the whole time, he continued coming across into my lane. Luckily there was not a car behind me and my car was not damaged.

I've attached a photo of the license plate and identification numbers. .

# **Attachment 2**

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**From:** Graham, Destiny <[REDACTED]>  
**Sent:** Wednesday, June 5, 2024 11:41 AM  
**To:** Esguerra, Steve <[REDACTED]>  
**Subject:** Re: Vivante Westside LLC, Run Off Road by one of your drivers

Nope, checked both TCPs and there's no matching VIN number. Another reason why I don't think they are affiliated is because in the VM she stated that when looking the PUC up they don't provide transportation for hire. So if they were affiliated then I don't think that would be a statement she would've made.

**Destiny R. Graham**

Public Utilities Regulatory Analyst II  
California Public Utilities Commission  
Consumer Protection and Enforcement Division  
Transportation Enforcement Branch/Field Enforcement Unit  
Cell [REDACTED]  
Email: [REDACTED]

---

**From:** Esguerra, Steve <[REDACTED]>  
**Sent:** Wednesday, June 5, 2024 2:36:22 PM  
**To:** Graham, Destiny <[REDACTED]>  
**Subject:** RE: Vivante Westside LLC, Run Off Road by one of your drivers

Yes, looks like they transposed the TCP numbers. Is our subject vehicle listed on ISL's equipment list?

Steve Esguerra  
Enforcement Analyst  
Consumer Protection & Enforcement Division  
Transportation Enforcement Branch  
California Public Utilities Commission  
[REDACTED] Phone  
[REDACTED]

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**From:** Graham, Destiny <[REDACTED]>  
**Sent:** Wednesday, June 5, 2024 11:33 AM  
**To:** Esguerra, Steve <[REDACTED]>  
**Subject:** Re: Vivante Westside LLC, Run Off Road by one of your drivers

I don't think they are related, but the TCP number on the van looks like 35722 which belongs to One Way Limo ([REDACTED]) and I gave them a call to see if they had sold any of their vehicles and the owner said no.

**Destiny R. Graham**

Public Utilities Regulatory Analyst II  
California Public Utilities Commission  
Consumer Protection and Enforcement Division  
Transportation Enforcement Branch/Field Enforcement Unit  
Cell [REDACTED]  
Email: [REDACTED]

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**From:** Esguerra, Steve <[REDACTED]>  
**Sent:** Wednesday, June 5, 2024 11:29:07 AM  
**To:** Graham, Destiny <[REDACTED]>  
**Subject:** Vivante Westside LLC, Run Off Road by one of your drivers

Hi Destiny,

CA# 509885 belongs to ISL Employees, Inc. TCP 37522-Z (Active). This is the TCP number on the van. Please see attached.

Is Vivante Westside LLC related to ISL Employees, Inc.?

Thank you.

Steve Esguerra  
Enforcement Analyst  
Consumer Protection & Enforcement Division  
Transportation Enforcement Branch  
California Public Utilities Commission  
[REDACTED]  
[REDACTED]

---

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**From:** Transportation Safety Complaints <[Transportation-Safety-Complaints@cpuc.ca.gov](mailto:Transportation-Safety-Complaints@cpuc.ca.gov)>  
**Sent:** Friday, May 31, 2024 3:09 PM  
**To:** Esguerra, Steve <[REDACTED]>  
**Subject:** FW: [EXTERNAL] Run Off Road by one of your drivers



# Attachment 3

**From:** [Li, Mingfeng](#)  
**To:** [REDACTED]  
**Subject:** Follow-Up on TCP Number and Service Information  
**Date:** Friday, June 28, 2024 11:18:00 AM

---

Hi Vivante Living,

My name is Ming Li, and I am a Regulatory Analyst from the California Public Utilities Commission (CPUC). Per our phone conversation a few days ago, I would like to recap and ask you the following questions:

1. We recently received information that the TCP number displayed on your vehicles did not match the registered business. Could you clarify if Vivante Living have an active TCP permit with the CPUC?
2. What type of transportation services does Vivante Living provide?
3. Could you provide a log or timetable of transportation services provided?
4. How many vehicles are within Vivante Living?

Thank you for your cooperation.

Best regards,

Ming Li Regulatory Analyst California Public Utilities Commission



Ming Li – Public Utilities Regulatory Analyst I  
[Transportation Enforcement Branch](#)  
[Consumer Protection and Enforcement Division](#)  
[California Public Utilities Commission](#)



[REDACTED] [www.cpuc.ca.gov](http://www.cpuc.ca.gov)

# **Attachment 4**

**From:** [Bob Fiorentino](#)  
**To:** [Li, Mingfeng](#)  
**Cc:** [Vivante Transportation](#); [Megan Stilwell](#); [Lei, Shirley](#); [Zachary Butcher](#); [Matt Kaufman](#)  
**Subject:** Re: [EXTERNAL] Follow-Up on TCP Number and Service Information  
**Date:** Monday, July 1, 2024 5:01:37 PM  
**Attachments:** [image005.png](#)

**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.

Ming,

As I indicated on the phone today, ISL is the management company that operates our building. I have reached out to ISL - Integral Senior Living to find out who at ISL does these applications so they can straighten this out with you. Please understand that the people that drive these vehicles are employees of ISL and not Vivante or Nexus Development. We have had this same arrangement for 10 years now and I don't know why it is now an issue.

In the interim, tomorrow, 7/2/24, we will only be making medical appointments in our vehicles. We cannot sustain this and need to operate our vehicles as we normally have for the last 10 years. What do you need from ISL that would satisfy you and allow us to normally operate the vehicles?

Best regards,

Bob

**Bob Fiorentino**  
*Senior Executive Director*

Vivante Newport Mesa  
1640 Monrovia Avenue  
Costa Mesa, CA 92627

[www.vivanteliving.com](http://www.vivanteliving.com)  
*A Luxury Retirement Community*



Review us on Social Media



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On Jul 1, 2024, at 12:08 PM, Li, Mingfeng <[Mingfeng.Li@cpuc.ca.gov](mailto:Mingfeng.Li@cpuc.ca.gov)> wrote:

Dear Christopher Orenos,

Thank you for your information. I would like to inform you that the Transportation Charter Party (TCP) number 37522 is registered to ISL Employees, Inc. while I have checked with ISL Employees Inc providing managing service to Vivante Senior Living. It is important to note that TCP permit sharing is prohibited, as Vivante Senior Living and ISL Employees, Inc. are distinct entities. Each business must have its own TCP number that corresponds with its registered company and register vehicles.

Currently, Vivante Senior Living is operating without the proper permits. We strongly advise you to immediately cease all transportation operations, with the exception of medical transportation. We recommend that you apply for a TCP permit with the California Public Utilities Commission (CPUC) as soon as possible.

For further information and to begin the application process, please refer to the following link: [Charter Party Carriers](#).

Thank you for your prompt attention to this matter. If you have any questions, please feel free to contact me.

Sincerely,



Ming Li – Public Utilities Regulatory Analyst  
Transportation Enforcement Branch  
Consumer Protection and Enforcement Division  
California Public Utilities Commission  
[Redacted] [www.cpuc.ca.gov](http://www.cpuc.ca.gov)

---

**From:** Vivante Transportation [Redacted] >  
**Sent:** Saturday, June 29, 2024 3:39 PM  
**To:** Li, Mingfeng <[Redacted]>  
**Cc:** Megan Stilwell <[Redacted]>; Bob Fiorentino [Redacted] >  
**Subject:** [EXTERNAL] Re: Follow-Up on TCP Number and Service Information

**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.

Good afternoon Ming Li,

Thank you for reaching out.  
To answer your questions:

1. We do have an active TCP permit. It was originally mistyped but we have made the correction so our PUC# is 37522 and I have attached photos at the bottom of this email reflecting the correct information now being displayed.
2. We are a private transportation service for the residents who reside here at Vivante

Living.

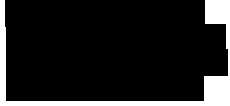
3. Our Transportation department provides rides needed to doctor appointments, hair appointments, shopping trips, errands trips, etc. within a 7 mile radius of the facility.

4. We have a total of 7 registered vehicles that we use.

Please let me know if you have any further questions. I've copied our Activities Director, Megan Stilwell, and our Senior Executive Director, Bob Fiorentino, on this email as well.

Thank you and have a great day,

**Christopher Orenos**  
*Transportation Supervisor*  
Vivante On The Coast  
1640 Monrovia Avenue  
Costa Mesa, CA 92627



[www.vivanteliving.com](http://www.vivanteliving.com)  
*A Luxury Retirement Community*



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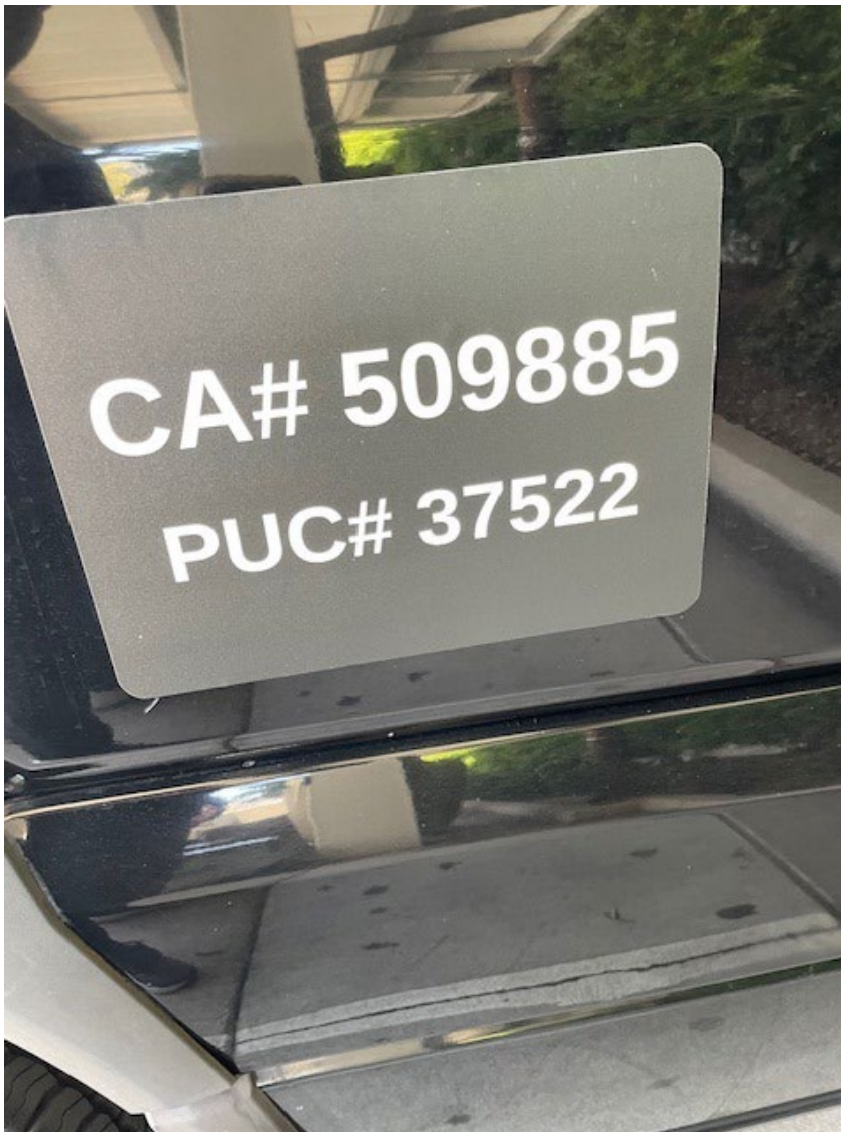




CA# 509885  
PUC# 37522

VIVANTE  
949-629-2100





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On Jun 28, 2024, at 11:18 AM, Li, Mingfeng <[REDACTED]>  
wrote:

Hi Vivante Living,

My name is Ming Li, and I am a Regulatory Analyst from the California Public Utilities Commission (CPUC). Per our phone conversation a few days ago, I would like to recap and ask you the following questions:

1. We recently received information that the TCP number displayed on your vehicles did not match the registered business. Could you clarify if

- Vivante Living have an active TCP permit with the CPUC?
2. What type of transportation services does Vivante Living provide?
  3. Could you provide a log or timetable of transportation services provided?
  4. How many vehicles are within Vivante Living?

Thank you for your cooperation.

Best regards,

Ming Li Regulatory Analyst California Public Utilities Commission

<image001.jpg>

Ming Li – Public Utilities Regulatory Analyst I  
[Transportation Enforcement Branch](#)  
[Consumer Protection and Enforcement Division](#)  
California Public Utilities Commission  
☎ (415) 696-7320 (ext 5-7320)  
✉ [Mingfeng.li@cpuc.ca.gov](mailto:Mingfeng.li@cpuc.ca.gov) 🌐 [www.cpuc.ca.gov](http://www.cpuc.ca.gov)

# **Attachment 5**

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



7/1/2024

TCP: Unlicensed

Case No.: CSE-153

Vivante On The Coast  
Attention: Christopher Orenos, Transportation Supervisor  
1640 Monrovia Ave.  
Costa Mesa, CA 92627

## NOTICE TO CEASE AND DESIST

Dear Christopher Orenos:

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

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/>.

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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

