



Public Utilities Commission
STATE OF CALIFORNIA

CITATION FOR VIOLATION
OF PUBLIC UTILITIES CODE

To	<u>Jeff Flynn</u>	File:	<u>TCP (Unlicensed)</u>
	<u>ATTN: Jeff Flynn</u>	Date:	<u>July 23, 2024</u>
	<u>[REDACTED]</u>	Citation #:	<u>T.24-07-003</u>
	<u>[REDACTED]</u>	Case #:	<u>CSE-000113</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. This violation occurred from March 27, 2024 to July 23, 2024.

- (1) Jeff Flynn advertised as a charter-party carrier without valid authority in violation of Pub. Util. Code Section 5414.5 [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 12, 2024. 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 August 12, 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
Email address: Rahmon.Momoh@cpuc.ca.gov

File No.: TCP (Unlicensed)

Citation #: T.24-07-003

Date: July 23, 2024

Case #: CSE-000113

CITATION COMPLIANCE AGREEMENT

I (we) hereby agree to comply with this citation dated July 23, 2024, and herewith pay the fine of \$1,000.

Jeff Flynn

[Redacted]

[Redacted]

(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: Jeff Flynn

OWNERS: Jeff Flynn

AUTHORITY: TCP – Unlicensed

PHYSICAL ADDRESS: [REDACTED]

MAILING ADDRESS: [REDACTED]

PHONE / EMAIL: [REDACTED]

VEHICLE: UNKNOWN

EMPLOYEE-DRIVERS: N/A

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

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

DRUG CONSORTIUM: N/A

REVENUE:	Year	Revenue
	2021	N/A
	2022	N/A
	2023	N/A

INTRODUCTION

On March 27, 2024, I was assigned to investigate Jeff Flynn because a licensed carrier filed a complaint with the Commission that Jeff Flynn was advertising and operating without authority in Paso Robles [**Attachment 1**].

VIOLATIONS

The investigation disclosed violations of the following provisions of the Public Utilities Code (Pub. Util. Code) and General Orders (G. O.):

- **Jeff Flynn advertised as a charter-party carrier without valid authority in violation of Pub. Util. Code Section 5414.5 [1 Count].**

Pub. Util. Code Section 5414.5 states: “Every corporation or person who knowingly and willfully issues, publishes, or affixes, or causes or permits the issuance, publishing, or affixing, of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the corporation or person is in operation as a charter-party carrier of passengers without having a valid certificate or permit issued under this chapter is guilty of a misdemeanor punishable, if an individual, by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months, or by both, or, if a corporation, by a fine of not more than five thousand dollars (\$5,000).”

I contacted Jeff Flynn at [REDACTED] on April 5, 2024. I advised Jeff Flynn that he was observed by a licensed carrier operating in the Paso Robles area as a designated driver, advertising on Facebook and passing out business cards. The business card lists a phone number [REDACTED] [REDACTED] [**Attachment 2**]. I informed him that he cannot operate and advertise transportation services without the Commission’s authority. Jeff Flynn indicated that he was unaware that he needed a permit and was transporting his friends as a favor. He said he was interested in getting authority from the Commission so he could operate legally. He gave me his email address [REDACTED].

On April 9, 2024, I emailed Jeff Flynn a Cease & Desist Notice. I included the link to the Transportation Licensing and Analysis Branch (TLAB). I gave him five (5) days to respond to me

whether he would cease operating or apply for authority from the Commission. [Attachment 3]. On May 14 & 31, 2024, I called Jeff Flynn at [REDACTED] and emailed him to no avail. On June 13, 2024, I served a Warning letter for advertising without authority [Attachment 4]. I gave him a deadline of June 17, 2024, to remove his advertisement and sign and return the Warning Letter. To date, Jeff has not returned the warning letter.

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 23, 2024, in Los Angeles, California.

Mary Sekyi-Appiah

Mary Sekyi-Appiah, TEB Enforcement Analyst

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ATTACHMENT 1

Attachment 1 – Complaint

State of California

Public Utilities Commission

Consumer Protection and Safety Division – Transportation Enforcement Section
505 Van Ness Avenue
San Francisco, CA 94102
Fax: (415) 703-5882 Tel: 1-800-894-9444 E-Mail: CIU_INTAKE@cpuc.ca.gov
Passenger Complaint Form – Intrastate Transportation Only

This form is available for you to send a complaint about a passenger carrier to the Public Utilities Commission. Although the Commission may not be able to resolve specific disputes between consumers and passenger carriers, it can act against a company for violations of law.

How Do We Reach You?

Your Name: _____
Your Business Name: _____
Street Address: _____
City: _____ State: CA Zip: _____
Telephone (with area code): _____
E-Mail Address: _____

Tell Us Your Complaint

Subject of Your Complaint:

Safety Service Overcharge Loss or Damage Other

Name of Company You Are Complaining About:

Jeff Flynn

Street Address: _____

City: _____ State: CA Zip: _____

TCP or PSC Number, if known: Couldn't find a TCP

Telephone (with area code): _____

Company Web Site: _____

Company E-Mail Address: _____

Are you claiming a refund or making a loss or damage claim? If so, provide the amount:

\$ _____

How Did the Company Initially Contact You? _____

Date and time transportation was provided: _____

Origin and Destination of your trip: _____

Name of driver and/or number of vehicle, if known: _____

Name(s) of other contact persons with company: _____

Briefly Explain Your Problem: Jeff Flynn is advertising driving services in how own car.
I couldn't find a TCP permit.

I've attached a post on the Facebook group Paso Robles Wine Fanatics with his business card.

PLEASE INCLUDE COPIES OF ANY AND ALL WRITTEN DOCUMENTATION PERTAINING TO YOUR COMPLAINT (i.e., receipts, cancelled checks, credit card statements, business cards, letters, etc.)

ATTACHMENT 2

Attachment 2 – Facebook advertisements and Business card

1011 LIKE REPLY



Sarah J Farley

🔒 Jeff Flynn offers local airpoc transportation at a good rate

13h Like Reply



Sarah J Farley



ATTACHMENT 3

Attachment 3 – Cease & Desist (April 9, 2024)

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 Van Ness Ave
San Francisco, CA 94102

GAVIN NEWSOM, Governor



April 9, 2024

TCP: Unlicensed
Case: CSE-000113

Jeff Flynn
[REDACTED]

NOTICE TO CEASE AND DESIST

Dear Jeff Flynn:

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

Public Utilities Code (P.U. 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. P.U. 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 1037 states in part that any PSC carrier which operates without a valid authority is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$1000.

OR

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/>.

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

Sincerely,

Mary Sekyi-Appiah, Public Utilities Regulatory Analyst III
California Public Utilities Commission
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Email: Mary.Sekyi-Appiah@cpuc.ca.gov
Telephone: 213-393-6035

ATTACHMENT 4

Attachment 4 – Warning Letter (June 13, 2024)

STATE OF CALIFORNIA

Gravin Newsom, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 13, 2024

TCP No.: None
Case No.: CSE-113

Jeff Flynn
[REDACTED]

WARNING LETTER

On June 13, 2024, Mary Sekyi-Appiah, Public Utilities Regulatory Analyst, of the Transportation Enforcement Branch of the Public Utilities Commission of the State of California, admonished Jeff Flynn for violation(s) of the following:

Reference:	Item/Section:	Violation
Pub. Util. Code	5414.5	Advertising without authority.

You are also placed on notice that a re-examination of the transportation records of Jeff Flynn may be conducted in the future. If similar violations are found at that time, penalties as provided in the Public Utilities Code may be incurred.

I have read the above statement and have been furnished a copy.

Carrier Representative _____

Morris Anthony and Washington

Dated [_____]

Mary Sekyi-Appiah

Mary Sekyi-Appiah
Public Utility Regulatory Analyst III
Dated: 06/13/2024