



Public Utilities Commission
STATE OF CALIFORNIA

CITATION FOR VIOLATION
OF PUBLIC UTILITIES CODE

To: Action Whitewater Adventures California Inc.

File: TCP 32860 (Revoked)

Attn: Michael Juarez and Eli Ollison

Date: August 14, 2024



Citation #: T.24-08-003

Lotus, CA 95651

Case #: CSE-000217

VIOLATIONS

You are hereby cited for violating sections of the Public Utilities Code (P.U. Code) and California Public Utilities Commission (CPUC) General Order (G.O.) as described below. These violations occurred on July 27, 2024.

- (1) Operated as a charter-party carrier after revocation of authority in violation of Pub. Util. Code Section 5379 [1 counts].

STATEMENT OF FACTS

The above violations are documented in the attached Investigation Report, which consists of 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 September 5, 2024. By way of such answer, you may either:

- (1) Pay a fine of \$2,000.00 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 September 5, 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) 816-5754
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 August 14, 2024, and herewith pay the fine of \$2,000.

Action Whitewater Adventures California Inc.
Michael Juarez and Eli Ollison, Owner
Lotus, CA

(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: Action Whitewater Adventures California Inc.

CA Secretary of State: 3540069 (Active)

OFFICERS: Michae Juarez, Owner

Eli Ollison, Owner

AUTHORITY: TCP 32860 (Revoked)

MAILING ADDRESS: [REDACTED]

PHONE/EMAIL: [REDACTED]

VEHICLES: 0 vehicles

EMPLOYEE-DRIVERS: 1

PL&PD INSURANCE: United Financial Casualty Company
Policy #: [REDACTED]
Effective Date: 6/27/24

WORKERS' COMPENSATION INSURANCE: State Compensation Insurance Fund
Policy #: [REDACTED]
Effective Date: 5/23/24

DRUG

CONSORTIUM: Trust Team Drug Consultant

REVENUE:	<u>Year</u>	<u>Revenue</u>
	2021	NA
	2022	NA
	2023	NA

INTRODUCTION

On August 1, 2024, I was assigned to investigate Action Whitewater Adventures California Inc. (hereinafter referred to as Action Whitewater) because it was observed operating with a revoked authority during the Transportation Enforcement Branch (TEB) and California Highway Patrol Joint operation in Placerville on July 27, 2024 [**Attachment 1**].

VIOLATIONS

I investigated Action Whitewater on July 27, 2024, and found violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

- **Operated as a charter-party carrier after revocation of authority, violating Pub. Util. Code Section 5379. [1 Counts]**

Transportation Licensing and Analysis Branch (TLAB) record shows Action Whitewater (TCP 32860) was revoked on March 16, 2022 [**Attachment 2**]. During the TEB and CHP joint operation in Placerville on July 27, 2024, TEB Enforcement Analysts observed Action Whitewater operating with a vehicle with license plate [REDACTED]. TEB Enforcement Analyst, Mary Sekyi-Appiah, served a Cease-and-Desist Notice to Action Whitewater for operating with a revoked authority on the same day [**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 August 14, 2024, in San Francisco, California

Shirley Lei

Shirley Lei, Senior Enforcement Analyst

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List of Attachments

- **Attachment 1** -- Lake Tahoe Operation Report
- **Attachment 2** -- TLAB Licensing Record
- **Attachment 3** -- Cease-and-Desist Notice

ATTACHMENT 1

TCP-32860 (REVOKED) – ACTION WHITEWATER ADVENTURE CALIFORNIA INC



CHP407F/343A-IN-SPECT

DRIVER/VEHICLE EXAMINATION REPORT

Inspect 1.124.8374



California Highway Patrol
2555 First Avenue
Sacramento, CA 95811
Phone: (916) 731-6300
Internationally Accredited Agency CHP407F/343A

Report Number: [REDACTED]
Inspection Date: 07/27/2024
Start: 9:04 AM PT End: 9:27 AM PT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: ACTION WHITEWATER ADVENTURES
CALIFORNIA INC
DBA: ACTION WHITEWATER ADVENTURES

Driver: [REDACTED] State: CA
License: [REDACTED]
Date of Birth: [REDACTED]

LOTUS, CA, 95651
USDOT: 2806383
MC/MX#:

Phone#: [REDACTED]
Fax#: [REDACTED]

CoDriver: [REDACTED] State:
License#: [REDACTED]
Date of Birth: [REDACTED]

State#: [REDACTED]
Location: UNINC. ELDORADO
Highway: SR-193
County: EL DORADO
Email: [REDACTED]

Milepost: [REDACTED] Shipper: N/A
Origin: LOTUS, CA Bill of Lading: N/A
Destination: COLOMA, CA Cargo: PASSENGER

CVWR CVSA Existing CVSA#

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III



TRUCKERS AGAINST TRAFFICKING
If you suspect human trafficking please contact 911 and call the National Human Trafficking Hotline at 1-888-373-7888. Make the call, save lives! Go to~ <https://truckersagainstrafficking.org/> to learn more.

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify Crash	Violations Discovered
1245(k)(2) T-13 CCR	S	1	Y		U N	Applied air loss exceeds leakage rates specified in regulation-if OOS use 1239 T-13 CCR-392.2: Applied air loss near front axle/ unable to identify exact location/ UNABLE TO MAINTAIN PRESSURE

HazMat: No HM transported

Placard: Cargo Tank:

Special Checks: No data for special checks

State Information:
Beat/Sub Area: 859Q; Special Project Code: 467; Regulated Vehicle: Y; Pre-Cleared Vehicle: N; Veh #1 Type: 11

I hereby declare each vehicle with a Y in the OOS column of the violation section of this report to be OUT-OF-SERVICE. No person shall operate such vehicle until all OUT-OF-SERVICE defects have been repaired and the vehicle has been restored to safe operating condition.

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispach. Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.

Report Prepared By: B. Morse
ID/Badge #: 17385

Copy Received By: OCTAVIO LAZCANO

X

X



02806383 CA CADEX005815

ATTACHMENT 2



NOTICE TO CEASE AND DESIST

Date: 7/27/24
Carrier: Action White Water [Redacted]
TCP number, if any 32860 Operating Status: Revoked

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

YOUR COMPANY MUST IMMEDIATELY CEASE AND DESIST FROM ANY AND ALL OPERATIONS, INCLUDING ADVERTISING, UNTIL YOU MEET ALL LICENSING REQUIREMENTS AND RECEIVE VALID OPERATING AUTHORITY FROM THE CPUC.

ANY OPERATIONS, INCLUDING ADVERTISING, WHILE OPERATING IN A SUSPENDED, CANCELLED, REVOKED, OR DENIED STATE IS UNLAWFUL.

This letter places your company on notice that any activity without the required permit or certificate is a violation and may result in civil or criminal prosecutions, possible fines, and possible termination of telephone service. To acknowledge receipt of this notice, please call 800-894-9444 within 5 business days of receipt.

OPERATION WITHOUT AUTHORITY
Public Utilities Code Sections 5371 and 5387 (TCP)/Section 1031 (PSC).- **Circle One**

OPERATION AFTER: SUSPENSION/REVOCATION/EXPIRATION/DENIAL OF AUTHORITY
Public Utilities Code Section 5379 (TCP)/Section 1045 (PSC).- **Circle One**

ADVERTISEMENT WITHOUT AUTHORITY
Public Utilities Code Section 5414.5 (TCP)/ Section 1037 (PSC).- **Circle One**

Signature: [Redacted] TITLE Owner

*****IF DRIVER IS NOT RESPONSIBLE, DRIVER IS TO GIVE NOTICE TO RESPONSIBLE OWNER*****

COMMENTS: Operating with Revoked Permit

See attached Inspection Observation Report Form for more detail.

[Signature]
Enforcement Analyst Signature

ATTACHMENT 3



Contract
00030629

New

Account Name	Status	Contract Start Date	Contract End Date	Contract Term (month
ACTION WHITEWATER ADVENTURES CALIFORNIA INC.	Revoked		9/16/2024	

Contract Process

Active

Draft

Revoked

Suspended

Related

Details

Suspension/Revocation List

Audit Log



Contract History (10+)

10+ items • Sorted by Date • Updated a few seconds ago

	Date	Field	User	Original Va...	New Value
1	1/8/2023 10:38 AM	Contract Record Type	CPUC System User		TCP
2	3/16/2022 5:30 AM	Status	CPUC System User	Suspended	Revoked
3	3/16/2022 5:30 AM	Modified Revoked Date	CPUC System User		3/16/2022, 05:30 AM
4	12/15/2021 5:05 AM	Status	CPUC System User	Active	Suspended
5	12/15/2021 5:05 AM	Authority Status Reason	CPUC System User		Failure to maintain PLPD insurance
6	12/15/2021 5:05 AM	Modified Suspended Date	CPUC System User		12/15/2021, 05:05 AM
7	9/30/2021 3:57 PM	Contract Activated.	Ammy Mabee		
8	9/30/2021 3:57 PM	Status	Ammy Mabee	Draft	Active
9	9/30/2021 3:57 PM	Contract Name	Ammy Mabee		TCP CLASS C CERTIFICATE
10	9/30/2021 3:57 PM	Case	Ammy Mabee		00247686

[View All](#)