



Public Utilities Commission

STATE OF CALIFORNIA

CITATION FOR VIOLATION OF PUBLIC UTILITIES CODE

To: Casitas Oceanside Two LP
DBA Pacifica Senior Living Oceanside
[REDACTED]

File: TCP 38797 Z
Date: January 19, 2024
Citation #: T.24-01-007
Case #: PSG 5925

VIOLATIONS

You are hereby cited with having violated section(s) of the Public Utilities (Pub. Util.) Code and a Commission General Order (G.O.) as described below. These violations occurred during the period July 1, 2023 through December 12, 2023.

- (1) Failed to provide documentation, in violation of Pub. Util. Code sections 5389 and 5381, and G.O. 157-E, Part 6.02. **[1 count]**

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 February 9 , 2024. By way of such 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 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 9, 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.

Maria C. Solis

Maria C. Solis, P.E.
Program and Project Supervisor
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Telephone number: (916) 928-2534
E-mail address: maria.solis@cpuc.ca.gov

Attachments

INVESTIGATIVE REPORT

CARRIER: Casitas Oceanside Two Limited Partnership dba Pacifica
Senior Living Oceanside
Secretary of State [REDACTED]

OFFICERS: Pacifica L 28 LLC General Partner

AUTHORITY: TCP 38797 Z (Revoked 04/26/2022)

MAILING ADDRESS: [REDACTED]

PHONE/EMAIL: [REDACTED]

VEHICLES: One -passenger bus

EMPLOYEES/DRIVERS: Unknown

PL&PD INSURANCE: Unknown

WORKERS' COMPENSATION INSURANCE: Unknown

DRUG CONSORTIUM: Unknown

INTRODUCTION

On July 11, 2023, I was assigned to investigate Casitas Oceanside Two Limited Partnership (hereafter Casitas) after the company refused to renew their TCP Z operating permit. The company operates a residential care facility in Oceanside, California.

VIOLATIONS

The investigation for the period of July 1, 2023, through December 12, 2023, disclosed violations of the following provisions of the Public Utilities Code (Pub. Util. Code) and Commission's General Order (G.O.):

- Failed to provide documentation, in violation of Pub. Util. Code sections 5389 and 5381, and G.O. 157-E, Part 6.02. [1 count]

Pub. Util. Code section 5389 states "The commission, each commission, and each officer and person employed by the commission may, at any time have access to the land, buildings, or equipment of a charter-party carrier of passengers...and may inspect the accounts, books, papers, and documents of the carrier."

Pub. Util Code section 5381 states "...the commission may supervise and regulate every charter-party carrier of passengers in the State..."

G.O. 157-E, Part 6.02 states "The duly authorized representatives of this Commission shall have the right at all times and shall be allowed...to have access to and to inspect any computer or electronic device used by any charter-party carrier for retention and production of any waybills and/or other documents or forms required by G.O 157-E for the purpose of inspecting the accounts, books, papers, and documents and for ascertaining whether or not these rules are being complied with and observed."

I contacted Casitas and spoke to Administrator Jackie Banks regarding the company not renewing their Z permit. Casitas' permit was revoked April 26, 2022 [**Attachment 1**]. I received an email from Ms. Banks that stated the reason they are not renewing the

permit is because the transportation they were doing was medical necessity transportation only, and the Z permit was no longer needed [**Attachment 2**].

I emailed Ms. Banks data request #1 for information on Casitas transportation of residents on September 19, 2023 with a due date of September 29, 2023 [**Attachment 3**]. I received no response. I emailed a 2nd data request for information on Casitas transportation of residents on November 27, 2023 [**Attachment 4**]. That request was due on December 11, 2023. I received no response from Casitas on the 2nd data request.

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 December 12, 2023, at Sacramento, California.

Greg Collentine

Greg Collentine, Enforcement Analyst

INDEX OF ATTACHMENTS

- **Attachment 1:** Casitas Oceanside Two LP's Order of Revocation
- **Attachment 2:** Email from Administrator explaining reason for not renewing.
- **Attachment 3:** Data request #1
- **Attachment 4:** Data request #2

ATTACHMENT 1

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, CA 94102-3298



DBA:

PSG0038797

ATTN:CASITAS OCEANSIDE TWO LP

**TCP Z PERMIT****Order of Revocation**

This is notice from the California Public Utilities Commission (CPUC) that the operating authority listed on this letter is revoked effective **April 26, 2022**.

Failure to maintain PLPD insurance

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: Apr 26, 2022

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

licensing@cpuc.ca.gov

ATTACHMENT 2

From: [Jackie Banks](#)
To: [Collentine, Greg](#)
Subject: [EXTERNAL] RE: my email address regarding the Z permit...
Date: Friday, July 28, 2023 3:46:29 PM

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 Greg,

I just talked to Reyna at the corporate office. She stated that the reason we are not moving forward with the Z permit is because it is not required based on the fact that we only use out bus for Necessity transportation. For example: Doctors' appointments.

I apologize, I meant to send this early today but it got stuck in my outbox.

From: Collentine, Greg <greg.collentine@cpuc.ca.gov>
Sent: Friday, July 28, 2023 9:54 AM
To: Jackie Banks [REDACTED]
Subject: my email address regarding the Z permit....

Thanks.

Greg Collentine

Public Utilities Regulatory Analyst 3
Transportation Enforcement Branch
Consumer Protection and Enforcement Division
California Public Utilities Commission
(530) 433-3280

ATTACHMENT 3

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 19, 2023

Casitas Oceanside Two LP
dba Pacifica Senior Living Oceanside

File: TCP 0038797 (Revoked)
PSG-5925

[REDACTED]
Jackie Banks, Executive Director

Via email: [REDACTED]

Subject: 1st Data Request

Dear Ms. Banks:

Pub. Util. Code Sections 771 and 5389 mandate 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 Orders 157-E and 158-A, Parts 6.01 specifically state 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 Pub. Util. Code Sections 771 and 5389, the Commission is requesting a review of the Charter-Party intrastate transportation records for Pacifica Senior Living Oceanside.

Please provide answers to the following and documents to greg.collentine@cpuc.ca.gov by September 29, 2023:

1. What has changed in your transportation operations where you no longer require a Z permit?
2. How are residents being transported to non-medical locations?
3. Who is providing non-medical transportation for Pacifica Senior Living Oceanside? How are they being paid?
4. What vehicle(s) are being used to provide non-medical transportation?
5. Who are the drivers providing non-medical transportation?
6. Please provide the driver's log for vehicle(s) operated by Pacifica Senior Living Oceanside for past 6 months.
7. Please provide me your calendar appointment for each of your client that shows you are only taking them for medical appointments.
8. Provide a copy of Pacifica Senior Living Oceanside's personal liability and property damage for its vehicle(s) used to transport residents.

If you have any questions, please do not hesitate to call me at (530) 433-3280 or send me an e-mail to greg.collentine@cpuc.ca.gov

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



Sincerely,

Greg Collentine

Greg Collentine, Analyst 3
Transportation Enforcement Branch – Compliance Unit
Consumer Protection and Enforcement Division

Cc: Maria Solis, P.E., PPS

ATTACHMENT 4

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



November 27, 2023

Casitas Oceanside Two LP
dba Pacifica Senior Living Oceanside

File: TCP 0038797 (Revoked)
PSG-5925

[REDACTED]
Jackie Banks, Executive Director

Via email: [REDACTED]

Subject: 1st Data Request 2nd request

Dear Ms. Banks:

Pub. Util. Code Sections 771 and 5389 mandate 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 Orders 157-E and 158-A, Parts 6.01 specifically state 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 Pub. Util. Code Sections 771 and 5389, the Commission is requesting a review of the Charter-Party intrastate transportation records for Pacifica Senior Living Oceanside.

Any transportation carrier failing to provide records per General Order 157-E Section 6.01, can be cited for failure to provide records.

Please provide answers to the following and documents to greg.collentine@cpuc.ca.gov by December 11, 2023:

1. What has changed in your transportation operations where you no longer require a Z permit?
2. How are residents being transported to non-medical locations?
3. Who is providing non-medical transportation for Pacifica Senior Living Oceanside? How are they being paid?
4. What vehicle(s) are being used to provide non-medical transportation?
5. Who are the drivers providing non-medical transportation? Provide a list of drivers being used.
6. Please provide the driver's log for vehicle(s) operated by Pacifica Senior Living Oceanside for past 6 months.
7. Please provide me your calendar appointment for each of your client that shows you are only taking them for medical appointments.
8. Provide a copy of Pacifica Senior Living Oceanside's personal liability and property damage insurance policy for its vehicle(s) used to transport residents.
9. Provide the name of the company that is providing drug and alcohol testing to the drivers used in transporting residents.
10. Provide a route schedule for where residents are being transported.
11. Provide the dates and times that the transportation is done for residents.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



If you have any questions, please do not hesitate to call me at (530) 433-3280 or send me an e-mail to greg.collentine@cpuc.ca.gov

Sincerely,

Greg Collentine

Greg Collentine, Analyst 3
Transportation Enforcement Branch – Compliance Unit
Consumer Protection and Enforcement Division

Cc: Maria Solis, P.E., PPS