



Public Utilities Commission
STATE OF CALIFORNIA

CITATION FOR VIOLATION
OF PUBLIC UTILITIES CODE

To: Swan Limousine & Charters LLC
ATTN: Jordon Picard
1041 Market Street #606
San Diego, CA 92101

File: TCP-38726
Date: November 3, 2023
Citation #: T.23-11-002
Case #: CSE-000002

VIOLATIONS

You are hereby cited with having violated section(s) 5414.5 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 October 28, 2023.

- (1) Operated as a charter party carrier during a period of suspension in violation of Pub. Util. Code Section 5379 [1 counts],**
- (2) Operated as a charter-party carrier without evidence of public liability and property damage (PLPD) insurance coverage in effect and on file with the Commission in violation of Pub. Util. Code section 5391, 5381 and G.O. 115-F [1 counts],**
- (3) Failed to report Public Utilities Commission Transportation Reimbursement Account (PUCTRA) fees in violation of Publ. Util. Code Section 5378(a)(9) [1 count],**
- (4) Failed to maintain a current equipment list with the Commission in violation of Pub. Util. Code section 5381, and G.O. 157-D, Part 4.01. [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 November 23, 2023. By way of such answer, you may either:

- (1) Pay a fine of \$5,000 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 November 23, 2023, 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
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Telephone number: (415) 703-1725
E-mail address Rahmon.Momoh@cpuc.ca.gov

INVESTIGATION REPORT

CARRIER: Swan Limousines and Charters LLC

OFFICERS: Jordon Picard, Owner

AUTHORITY: TCP- 38726 Suspended August 26, 2023

PHYSICAL ADDRESS: [REDACTED]

MAILING ADDRESS: [REDACTED]

PHONE/EMAIL: [REDACTED]

VEHICLES: 2 cars and 1 SUV

EMPLOYEE-DRIVERS: Roberto Carlos Soto Alberti

PL&PD INSURANCE: Philadelphia Indemnity Insurance Company
Policy Number: [REDACTED]
Cancellation Date: 8/26/23

WORKERS' COMPENSATION INSURANCE: Berkshire Hathaway Insurance Company
Policy Number: [REDACTED]
Effective Date: 01/02/2022

DRUG CONSORTIUM: Affiliated Drug & Alcohol Testing (ADAT Inc.)

REVENUE: [REDACTED] [REDACTED]

INTRODUCTION

On October 30, 2023, I was assigned to investigate Swan Limousines & Charters LLC (hereinafter referred to as Swan Limousine) after his bus with license plate SWAN A1 was impounded by the San Diego Police Department for operating with a suspended authority from the Commission on October 28, 2023 [**Attachment 1**].

VIOLATIONS

The investigation for the date of October 28, 2023, disclosed violations of the following provisions of the Public Utilities (Pub. Util.) Code and Commission General Orders (G.O.):

- **Swan Limousine operated as a charter party carrier during a period of suspension in violation of Pub. Util. Code Section 5379 [1 counts].**

On October 28, 2023, Swan Limousine's vehicle bearing CA license plate [REDACTED] and vehicle identification number (VIN #) [REDACTED] was observed operating at San Diego Gaslamp [**Attachment 1**]. I prepared an Observation Report and served a Cease and Desist Notice to employee driver Roberto Carlos Soto Alberti [**Attachment 2**]. Transportation Licensing and Analysis Branch (TLAB) records show that Swan Limousine's authority was suspended on August 26, 2023, for failure to maintain its Personal Liability & Property Damage (PLPD) insurance and failure to report Public Utilities Commission Transportation Reimbursement Account (PUCTRA) fees [**Attachment 3**].

- **Swan Limousine operated as a charter-party carrier without evidence of public liability and property damage (PLPD) insurance coverage in effect and on file with the Commission in violation of Pub. Util. Code sections 5391, 5381, and G.O. 115-F. [1 count]**

TLAB records show that Swan Limousine's PLPD Insurance coverage with Philadelphia Indemnity Insurance Company, policy number [REDACTED], was canceled on August 26, 2023 [**Attachment 4**]. Swan Limousine was found operating at San Diego Gaslamp on October 28, 2023, without PLPD insurance coverage [**Attachment 1**].

- **Swan Limousine failed to report Public Utilities Commission Transportation Reimbursement Account (PUCTRA) fees in violation of Publ. Util. Code Section 5378(a)(9) [1 count].**

TLAB records show Swan Limousine was suspended for failing to pay the PUCTRA fee for the second quarter 2023. A notice of suspension was mailed to Swan Limousine on October 23, 2023 [Attachment 5]. To date, Swan Limousine has not paid the PUCTRA fee for the second quarter of 2023.

- **Swan Limousine Failed to maintain a current equipment list with the Commission in violation of Pub. Util. Code section 5381, and G.O. 157-D, Part 4.01. [1 count]**

On October 28, 2023, Swan Limousine's vehicle bearing CA license plate [REDACTED] and vehicle identification number (VIN #) [REDACTED] was observed operating at San Diego Gaslamp [Attachment 1]. TLAB records show that this vehicle is not registered with the Commission [Attachment 6].

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 them to be true.

Executed on November 3, 2023, in San Francisco, California.

Shirley Lei
Shirley Lei, TEB Enforcement Analyst

List of Attachments

- Attachment 1** -- San Diego PD Impound Document and Pictures
- Attachment 2** -- Cease & Desist Notice and Observation Report
- Attachment 3** -- Suspension Notices for the PUCTRA fee and PLPD Insurance
- Attachment 4** -- Swan Limousine's PLPD Cancellation Record
- Attachment 5** -- Swan Limousine Suspension Notice for PUCTRA fee
- Attachment 6** -- Swan Limousine's Equipment List with the Commission

TABLE OF CONTENTS

ATTACHMENT 1



San Diego Police Department

Tow Signature Form

EVENT NUMBER: 2310042371 CASE NUMBER: 23616897 DATE: 10/28/23 TIME: 2214 BEAT: 523

LOCATION TOWED FROM: 500 J ST PHONE: [REDACTED]

TOW COMPANY: PA [REDACTED]

STORAGE ADDRESS: 3553 NATIVE

REGISTERED/CURRENT OWNER [REDACTED] LEGAL OWNER SAME

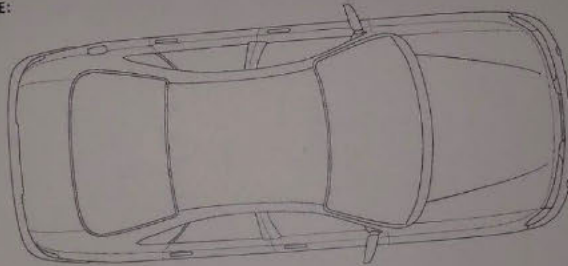
STORAGE AUTHORITY (CVC CODE): 146029

HOLD STORED IMPOUNDED RECOVERED-VEHICLE

YEAR 2002 MAKE GMC MODEL YUKON BODY TYPE 4D COLOR BLACK

LIC# SWAN A1 ST: CA EXP. (MO/YR): 11/17 # OF PLATES [REDACTED] ODOMETER: [REDACTED]

VEHICLE DAMAGE:



INVENTORY/NARRATIVE:

Tow Driver Signature: [Signature] TIME: 1018
Officer Signature: [Signature] TIME: 10:18 P

PD-571-11-2019



**Public Utilities Commission
STATE OF CALIFORNIA
Request to Impound**

Indicate seating capacity of vehicle (including driver): 8

Indicate number of passengers (including driver):

One of the following is required:

- No TCP permit or certificate issued
- TCP/PSC: 38726 (circle one) suspended, revoked, expired, or denied.
- Driver does not possess a valid and current CDL for vehicle operated license class, endorsement, or required certificate

Name of PUC Enforcement Analyst requesting impound: A. C. (SEI)
Steve Esguerra

(Not required if due to driver not having valid license, endorsement, or certification for vehicle being operated)

Charge one of the following:

- CPUC 5411/1037 ref CPUC 5371/1031 - Misdemeanor/Unlawful to operate without proper PUC operating authority.
- CPUC 5411/1037 ref CPUC 5379/1045 - Misdemeanor/Unlawful to operate with suspended, revoked, or expired authority.

In body of citation indicate: "Vehicle impounded per 14602.9 CVC."

Name of person, who within 2 DAYS, notified the legal owner of the impound by certified mail:

Citing/Arresting Officer Name: [REDACTED]

Allied Agency Case Number: 23616892

Date: 10-28-23

Reason for stop and additional notes on back of this form.
Attach this form to CHP 180



ATTACHMENT 2

CALIFORNIA PUBLIC UTILITIES COMMISSION
INSPECTION OBSERVATION REPORT

Date: ~~9/28/23~~
10/28/23

Location: San Diego Gas & Electric Investigator: SL6

Carrier: Swan Limousine & Charter LLC Carrier PSC/TCP# 38726

DBA: Phone: [Redacted]

Address: 3430 Harrock street City: San Diego Zip: [Redacted]

Prime carrier: Prime carrier PSC/TCP#:

Driver: Roberto Carlos Soto Alberti CDL# [Redacted] CDL Class: C

Address same as Carrier / Driver Address: [Redacted]

Phone: Relationship with Carrier: Owner Employee Sub-carrier Other

Years w/company: Carrier has workers' compensation insurance.

License Plate #: Swan A1 VIN #: [Redacted] Seats: 8

Registered Owner: Swan Limousine & Charter Modified Limo Limo Van Bus SDV

Address same as Carrier / Driver Address: Same as above

City: Zip: Phone:

Violation(s):

Vehicle Markings TCP # not shown on front bumper / rear bumper
 PSC/TCP # not on side of vehicle * Carrier's name not on side of vehicle *

*exempt for vehicles < 15 passengers incl. driver or leased < 30 days

Waybill: No waybill Incomplete waybill (List missing items in comments)

Other: Vehicle not listed with PUC Vehicle not listed as being modified
 Vehicle license plate not listed with PUC License plate does not match VIN
 License plate does not match what is listed with PUC

Violation(s): Yes, as noted above and in comments below No Violation
 Possible Workers' Compensation Insurance Violation

Comments: TCP suspended for PLPD & PUTRA Fee
TCP # too small (not visible within 50 feet)
Vehicle not listed with PUC.

[Signature] Driver
Signature and Title

Note: Failure to take corrective action may result in enforcement action including imposition of fines

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

NOTICE TO CEASE AND DESIST

Date: 01/25/23

Carrier: Swan Amusement Charter LLC

TCP number, if any 3876 Operating Status: Suspended

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/REVOCAION/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 [Signature] TITLE _____

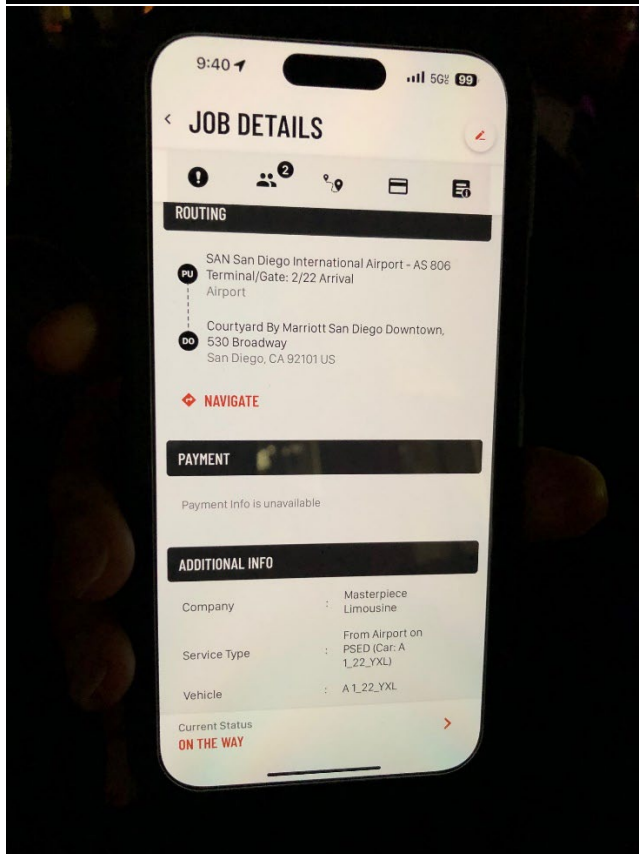
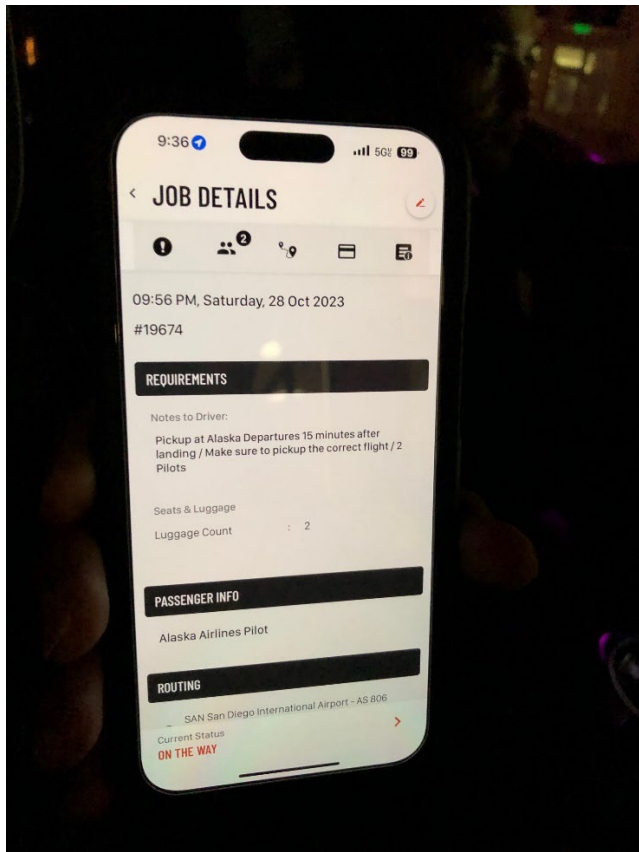
*****IF DRIVER IS NOT RESPONSIBLE, DRIVER IS TO GIVE NOTICE TO RESPONSIBLE OWNER*****

COMMENTS: _____

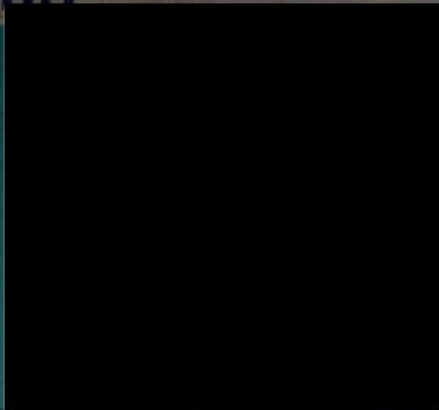
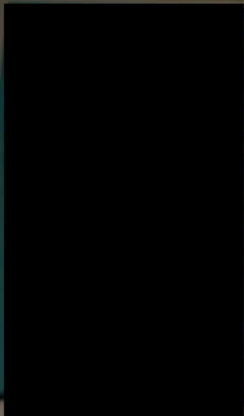
See attached Inspection Observation Report Form for more detail.

[Signature]
Enforcement Analyst Signature

CPUC COPY



California USA DRIVER LICENSE



S C
NONE



07251994

[Handwritten signature]

SEX: M HAIR: BAL EYES: BRN
HGT: 5'00" WGT: 179 lb ISS: 12/21/2020
DD: 12/21/2020 31641/AAFD/25

ATTACHMENT 3

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, CA 94102-3298



DBA:

PSG0038726

ATTN:SWAN LIMOUSINES & CHARTERS LLC
1041 MARKET STREET #606
SAN DIEGO CALIFORNIA 92101

TCP CLASS A CERTIFICATE**CPUC Order of Suspension**

This is notice from the California Public Utilities Commission (CPUC) that the operating authority listed on this letter is suspended effective **August 26, 2023**.

Failure to maintain PLPD insurance

Unless the suspension was requested voluntarily, if the reason(s) for the suspension are not resolved within 90 days, on **November 24, 2023**, the operating authority will be revoked. Voluntary suspensions may stay in effect without becoming revoked until the operating authority expires.

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.

A carrier whose certificate or permit is suspended due to failing to pass a vehicle inspection by the California Highway Patrol (CHP) (California Public Utilities Code § 5378.5, Commission Resolution TL-18336) may obtain a reinspection of its terminal and vehicles by the CHP by submitting a written request for reinstatement to CPUC and paying a reinstatement fee of one thousand dollars (\$1,000). (California Public Utilities Code § 5378.5(b)). Upon receipt of a written recommendation from CHP to suspend a carrier's operating authority, a carrier may request a hearing of the suspension by making a written request to CPUC and the CHP showing cause why the suspension should not be continued.

If your suspension is due to failing to maintain adequate insurance, you must contact your insurance provider to reinstate your policy on-file with the CPUC.

Date: Sep 25, 2023

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

licensing@cpuc.ca.gov

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, CA 94102-3298



DBA:

PSG0038726

ATTN:SWAN LIMOUSINES & CHARTERS LLC
1041 MARKET STREET #606
SAN DIEGO CALIFORNIA 92101

TCP CLASS A CERTIFICATE**CPUC Order of Suspension**

This is notice from the California Public Utilities Commission (CPUC) that the operating authority listed on this letter is suspended effective **August 26, 2023**.

Failure to pay quarterly fees (PUCTRA) Q2 2023

Unless the suspension was requested voluntarily, if the reason(s) for the suspension are not resolved within 90 days, on **November 24, 2023**, the operating authority will be revoked. Voluntary suspensions may stay in effect without becoming revoked until the operating authority expires.

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.

A carrier whose certificate or permit is suspended due to failing to pass a vehicle inspection by the California Highway Patrol (CHP) (California Public Utilities Code § 5378.5, Commission Resolution TL-18336) may obtain a reinspection of its terminal and vehicles by the CHP by submitting a written request for reinstatement to CPUC and paying a reinstatement fee of one thousand dollars (\$1,000). (California Public Utilities Code § 5378.5(b)). Upon receipt of a written recommendation from CHP to suspend a carrier's operating authority, a carrier may request a hearing of the suspension by making a written request to CPUC and the CHP showing cause why the suspension should not be continued.

If your suspension is due to failing to maintain adequate insurance, you must contact your insurance provider to reinstate your policy on-file with the CPUC.

Date: Oct 23, 2023

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

licensing@cpuc.ca.gov

ATTACHMENT 4

Insurance
PHPK2463394 Printable View

Notes (0) Insurance History (4)

Details Activity

[Redacted]	Carrier SWAN LIMOUSINES & CHARTERS LLC
[Redacted]	Insurance Company PHILADELPHIA INDEMNITY INSURANCE COMPANY
Policy Type Stand Alone Policy	Insurance Filer PHILADELPHIA INDEMNITY INSURANCE COMPANY
Policy Sub Type PL/PD Policy	Policy Submitted Date 9/9/2022
Policy Effective Date 9/13/2022	Policy Cancel Date 8/26/2023
Policy Amount \$1,500,000.00	Policy Reinstale Date
Policy Status Cancelled	
Created By Vanessa Ewing , 9/9/2022 12:31 PM	Last Modified By Vanessa Ewing , 8/26/2023 1:00 AM

ATTACHMENT 5

PUBLIC UTILITIES COMMISSION

505 Van Ness Avenue
San Francisco, CA 94102-3298



DBA:

PSG0038726

ATTN:SWAN LIMOUSINES & CHARTERS LLC
1041 MARKET STREET #606
SAN DIEGO CALIFORNIA 92101

TCP CLASS A CERTIFICATE**CPUC Order of Suspension**

This is notice from the California Public Utilities Commission (CPUC) that the operating authority listed on this letter is suspended effective **August 26, 2023**.

Failure to pay quarterly fees (PUCTRA) Q2 2023

Unless the suspension was requested voluntarily, if the reason(s) for the suspension are not resolved within 90 days, on **November 24, 2023**, the operating authority will be revoked. Voluntary suspensions may stay in effect without becoming revoked until the operating authority expires.

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.

A carrier whose certificate or permit is suspended due to failing to pass a vehicle inspection by the California Highway Patrol (CHP) (California Public Utilities Code § 5378.5, Commission Resolution TL-18336) may obtain a reinspection of its terminal and vehicles by the CHP by submitting a written request for reinstatement to CPUC and paying a reinstatement fee of one thousand dollars (\$1,000). (California Public Utilities Code § 5378.5(b)). Upon receipt of a written recommendation from CHP to suspend a carrier's operating authority, a carrier may request a hearing of the suspension by making a written request to CPUC and the CHP showing cause why the suspension should not be continued.

If your suspension is due to failing to maintain adequate insurance, you must contact your insurance provider to reinstate your policy on-file with the CPUC.

Date: Oct 23, 2023

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

licensing@cpuc.ca.gov

ATTACHMENT 6



Search...

Accounts > SWAN LIMOUSINES & CHARTERS LLC
Assets

12 Items • Sorted by Status • Updated a few seconds ago

		Status ↑	Seats	License Plate	VIN Number	Make	Body Type	Terminal Address Information	Last Modif...	
1		Active	5			CADILLAC	Car	1925 Euclid Avenue Suite 205, San Diego, 9...	3/23/2022 1:33 ...	
2		Active	5			CADILLAC	Car	1925 Euclid Avenue Suite 205, San Diego, 9...	3/23/2022 1:33 ...	
3		Active	7			GMC	Suv	1925 Euclid Avenue Suite 205, San Diego, 9...	3/23/2022 1:33 ...	
4		Inactive	7			CADI	Suv	1925 EUCLID AVE #205, SAN DIEGO, 92105	3/23/2022 1:33 ...	
5		Inactive	7			GMC	Suv	1925 Euclid Avenue Suite 205, San Diego, 9...	1/21/2022 11:08...	
6		Inactive	7			MERZ	Van	1925 EUCLID AVE #205, SAN DIEGO, 92105	3/23/2022 1:33 ...	
7		Inactive	4			CADI	Car	1925 Euclid Avenue Suite 205, San Diego, 9...	3/23/2022 1:33 ...	
8		Inactive	5			CADI	Car		3/23/2022 1:33 ...	
9		Inactive	8			GMC	Suv		7/20/2021 9:48 ...	
10		Inactive	7			Cadillac	Suv	1925 Euclid Avenue Suite 205, San Diego, 9...	3/23/2022 1:33 ...	
11		Inactive	15			Mercedes-Benz	Van	1925 Euclid Avenue Suite 205, San Diego, 9...	3/23/2022 1:33 ...	
12		Inactive	5			Cadillac	Car	1925 Euclid Avenue Suite 205, San Diego, 9...	10/20/2022 1:08...	