RECOMMEND APPROVAL OF THE REASSIGNMENT OF NINE UNRESTRICTED PRIVATE AMBULANCE VEHICLE PERMITS FROM CURRENT SHAREHOLDER OF DI BIASSI, CORP. DBA SOUTHERN CALIFORNIA AMBULANCE TO NEW SHAREHOLDERS OF DI BIASSI, CORP. DBA SYMBOISIS, DUE TO A CHANGE IN OWNERSHIP

RECOMMENDATIONS

That your Board:

a. **Find** that the new shareholders of Di Biassi, Corp. dba Symbiosis due to the change in ownership and based upon evidence of patients in need of transportation; public convenience and necessity, requires the operation of nine unrestricted private ambulance vehicles.

b. **Reassign** nine unrestricted private ambulance vehicle permits to the new shareholders of Di Biassi, Corp. dba Symbiosis, contingent upon:

   1. The applicant filing with the Department in such form as the Department requires and thereafter keeping in full force and effect a policy of automobile liability insurance acceptable to the City Attorney and the City Risk Manager;

   2. The drivers and attendants obtaining the required permits;

   3. The applicant obtaining commercial or exempt registration for the vehicles;

   4. The vehicles passing Department inspection;

   5. The applicant complying with all Board rules and regulations and City ordinances pertaining to the operation of private ambulance vehicles;

   6. The applicant charging only those rates for private ambulance vehicle service set forth in Board Order No. 606 (Ordinance No. 185,210) and successor regulations; and

   7. The vehicles must be placed into service within 120 days after the Board of Transportation Commissioners (Board) approval or such authority shall become invalid. Upon written request and for good cause, the Department, in its discretion, may grant an extension of time beyond the initial 120-day period after Board approval. Any request for an extension beyond the initial deadline date must be received prior to the
120-day deadline. Furthermore, if an extension is granted, only one extension may be allowed per application.

c. **Revoke** 10 unrestricted private ambulance vehicle permits previously granted to current shareholder Di Biassi, Corp. dba Southern California Ambulance.

d. **Impose** a one-year probationary period.

**INITIATED BY**

On August 20, 2019, the Department received an application from Dawn Downs, President of Di Biassi, Corp. dba Symbiosis (Symbiosis), 5363 Alhambra Avenue, Los Angeles, California 90032. The applicant requests the reassignment of nine unrestricted private ambulance vehicle permits due to the change of ownership (Attachment 1). On October 17, 2019, Ms. Downs submitted all documents needed to complete the application.

**DISCUSSION**

Di Biassi, Corp. dba Southern California Ambulance is currently authorized by the Board to operate 10 unrestricted private ambulance vehicles in the City of Los Angeles. The history of the unrestricted private ambulance vehicles permit authorities is as follows: four permits issued on March 8, 2012, four additional permits issued on February 13, 2014, and two additional permits issued on November 10, 2016. The Board also authorized five unrestricted non-ambulatory passenger vehicle permits as follows: two permits issued on May 9, 2013, one additional permit issued on February 13, 2014, and two additional permits issued on November 10, 2016. On August 15, 2019, the company requested to relinquish its five non-ambulatory passenger vehicle permits.

According to the Application Procedure for Vehicle Permits, when a company with vehicle permits undergoes an ownership change, the company must notify the Department and the Board must formally approve the change. The new shareholders of Di Biassi, Corp. dba Symbiosis purchased the capital stock from Jose Garcia, the current shareholder of Di Biassi, Corp. dba Southern California Ambulance. The applicant submitted the Stock Purchase Agreement dated December 22, 2017, and the First Amendment to Stock Purchase Agreement dated January 31, 2018, between Jose Garcia as the seller and Dawn Downs as the buyer. Dawn M. Downs and Jeff T. Grange are the shareholders of the company.

Dawn Downs, President of the company requests that the Board reassign only nine unrestricted private ambulance vehicle permits to the new ownership. The applicant states that even with the change in ownership, the company will continue to operate in Los Angeles as Di Biassi, Corp. and operation structure will remain unchanged. The previous general manager, Jack W. Feria, will continue to operate the current management team and operational staff.

The history of company’s business is as follows: On October 3, 2006, Articles of Incorporation were filed with the California Secretary of State establishing Di Biassi, Corp. (Attachment 2). On December 17, 2018, Statement of Information (Domestic Stock and Agricultural Cooperative Corporations) was filed with the California Secretary of State naming Dawn Downs as Chief Executive Officer, Chief Financial Officer, and Secretary of the company (Attachment 3). On April 10, 2019, Di Biassi, Corp. filed a new Fictitious Business Name Statement with the Los Angeles County Clerk to do business as Symbiosis (Attachment 4).
Public Convenience and Necessity

The application of Symbiosis was evaluated against Section 2 of the “Guidelines for Establishing Public Convenience and Necessity” as established by the Board of Transportation Commissioners on August 11, 2005, for applicants with no unrestricted private ambulance vehicle permits (Attachment 5).

a. **Experience** – The applicant submitted the resume of Jack W. Feria as the general manager of Di Biassi, Corp. since March 2017, and he was the company operation supervisor since 2013. Mr. Feria’s resume states that his responsibilities have included overseeing the operations and budgets, ensuring the compliance with city and state regulations, hiring and training the employees, setting up contracts, and overseeing all departments.

b. **Background Check** – A background check was conducted on the owners and the general manager of Symbiosis and no disqualifying criminal history was found as listed in Board Order No. 600.

c. **Financial Capability** – The applicant submitted the Department of Motor Vehicles registrations for nine unrestricted private ambulance vehicles and financial documentation showing that the company demonstrates sufficient liquid assets to support the request for nine private ambulance vehicle permits.

d. **Reason for Requesting Permits** – The applicant is requesting a reassignment of nine existing vehicle permits in connection with a change in ownership and would like to continue to provide services in the City of Los Angeles.

e. **Impact on Existing Transportation Providers** – The applicant states that there will be little to no impact on existing transportation providers, since they are currently operating in the City of Los Angeles and their corporation structure will remain the same.

f. **Public Benefit** – The applicant states that they will provide high class patient driven services throughout the greater Los Angeles metropolitan area. The company will use central communications center to manage through a Computer Aided Dispatch (CAD) in conjunction with the GPS tracking system and 900MHz mobile radio system to promptly connect the appropriate crew with their clients’ specific needs. The company will service hospitals, convalescent homes, private/public medical clinics, insurance companies, and private/public events, ensuring that all their clients’ needs are met. The reassignment of nine vehicle permits will allow the company to continuously provide professional and efficient round-the-clock service that will benefit the patients.

g. **Business Plan** – The applicant submitted a business plan including the days and hours of operation, dispatching procedure, emergency procedure, and employee training procedure. The hours of operation for the transportation service are 24 hours a day and seven days a week.
DOCUMENTED VIOLATIONS

On March 28, 2018, the Department received notification that a change of ownership of Di Biassi, Corp. dba Southern California Ambulance had occurred. An application package for new ownership was sent to Mr. Feria on March 28, 2018. When new ownership of a company occurs, it is the responsibility of the company to submit an application for new ownership to the Department. The company failed to respond and did not complete and submit an application as required.

On August 8, 2019, the Department received another notification that ownership changed again when Ms. Dawn M. Downs became a co-owner of the company, and the company filed a new fictitious business name. In spite of numerous phone calls and emails from the Department, Di Biassi, Corp. had continued to ignore the Department’s requests for submission of the application for new ownership.

On August 8, 2019, a “Notice to Cease All Transportation Operations – Intent to Revoke” was sent to the company’s new owners requesting the company to cease from picking up passengers in the City of Los Angeles, noting that if the company fails to comply, it will be a misdemeanor offense subject to criminal prosecution of both the driver of the vehicle and the owner(s) of the company. Furthermore, both the driver and the owners may be subject to being assessed a monetary penalty pursuant to the Board of Transportation Commissioners’ Board Order No. 580. The Department instructed the company to submit the application within 10 days from the date of notice in order to avoid revocation of the company’s authority to operate a passenger transportation service (Attachment 6). The Department staff believes that the company continued to operate illegally without City approval.

Should the reassignment of vehicle authorities be granted, staff recommends that Di Biassi, Corp., despite making this effort to be in compliance, have a one-year probationary period imposed on its operations based on its prior non-compliance. Di Biassi, Corp. dba Symbiosis would be authorized to operate a total of nine unrestricted private ambulance vehicle permits in the City. If the company is found in violation of any rule, regulation, law, or statute of the City, County, or State within the probationary period, it shall result in the revocation of all authorities without any further action from the Board.

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Attachments