Date: April 8, 2021

To: Board of Transportation Commissioners

From: Seleta J. Reynolds, General Manager

Subject: APPEAL OF GENERAL MEDICAL CARE DBA GENERAL MEDICAL TRANSPORTATION (GMT) CONCERNING THE DEPARTMENT’S MARCH 3, 2021, REVOCATION OF THE COMPANY’S AUTHORIZATION TO OPERATE A NON-AMBULATORY PASSENGER TRANSPORTATION SERVICE WITHIN THE CITY OF LOS ANGELES

RECOMMENDATION

That your Board:

a. **FIND** that on October 8, 2020, the Board of Transportation Commissioners (Board) granted GMT (Company ID 2643) a new authorization to operate three unrestricted Non-Ambulatory passenger vehicles (Board Report B20-022kj)\(^a\) with a stipulation that the company was placed under a two-year probationary period where no violations could occur. The probationary period does not end until October 8, 2022.

b. **FIND** that on February 22, 2021, a non-ambulatory/gurney van displaying the GMT logo was observed picking up a gurney patient from 516 E. Washington Blvd. The van, the driver, and the attendant were unpermitted. This incident is a violation of the company’s probation.

c. **DENY** GMT’S appeal and uphold the Department’s decision to revoke GMT’s authority as required by the probation stipulation in Board Report B20-022kj.

d. **AMEND** the two-year exclusion stipulated in Board Report B20-022kj to advance the date of the exclusionary period to begin on April 8, 2021.

e. **ADVISE** GMT that due to the company’s violative history and disregard for the rules and regulations of the City of Los Angeles, the two-year exemption stated in Board Report B20-022kj is amended to advance the start date of the two-year exclusion to April 8, 2021 and to further state that the Department will not accept any new applications from General Medical Care doing business under any other name, the owners, CEO, CFO, or stockholders jointly, severally or separately, under any other company name for a period of two-years.

INITIATED BY

On March 16, 2021, Gagik Mkhitaryan, CEO of GMT, 6470 Foothill Blvd, Suite D, Los Angeles, CA 91042

\(^a\) “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 further action from the Board . . . “
appealed the Department’s March 4, 2021 decision to revoke GMT’s authority to operate a passenger transportation service within the City of Los Angeles as required by Board Report B20022kj. (Attachment 1)

COMPANY HISTORY

General Medical Care, dba General Medical Transportation – Company Code 1637.0

August 9, 2018: The Board approved the application of General Medical Care, dba General Medical Transportation (B18-32.isk) for two unrestricted non-ambulatory passenger vehicles.

On August 20, 2018, notification of the approval of GMT’s application was sent to the company. The notice (lr18-059.isk) also confirmed the company’s deadline of December 6, 2018 to place their vehicles into service. (Attachment 2) As of the date of the first violation, GMT had no vehicles in service.

First Violation

June 20, 2019, at approximately 8:38 a.m., an unpermitted non-ambulatory passenger vehicle, bearing Unit #07 and the GMT logo was observed picking up a patient from St. Vincent Medical Center located at 201 S. Alvarado St., Los Angeles, CA. The Investigator observing the violation found that neither the driver nor the attendant possessed valid LADOT issued permits. The Investigator issued Hearing Notice #063968 to the company and the hearing was scheduled for July 9, 2019. On the same date, a “Notice to Cease Unlawful Transportation Operations” was issued and mailed, via Certified Mail, to the company’s address of record, 6470 Foothill Blvd, Suite D, Los Angeles, CA 91042. On June 29, 2019, the Notice was returned unopened to the Department with a United Stated Postal Service label attached stating that the letter was “unclaimed.” (Attachment 3)

Second Violation

July 31, 2019, at approximately 9:26 a.m., investigators observed an unpermitted non-ambulatory vehicle bearing the GMT logo and the unit designation #06 pick up a passenger from 2723 W. Temple, in the City of Los Angeles. Upon further investigation, the investigators found that the attendant was unpermitted. Hearing Notices #063979 and #063980 were issued to the company. The hearing was scheduled for August 13, 2019. Department records indicate that these hearing notices are still open, indicating that no hearing took place. Staff was unable to confirm why.

Administrative Hearing

On July 9, 2019, the Department held an Administrative Hearing regarding the alleged June 20th violation. No one from the company appeared for the hearing. The Hearing Officer determined the company had violated the following LAMC Sections: 71.02(a) – unpermitted vehicle, 71.03(b) – unpermitted driver and 71.04.1 – unpermitted attendant. A monetary penalty of $1,500.00 was assessed and notice of the assessment was mailed to the company on August 1, 2019. (Attachment 4) The letter was sent to the address of record and was not returned unopened.

On January 24, 2020, GMT’s authority to operate a passenger transportation service was invalidated because the company failed to submit vehicles for inspection within the 120-day deadline of December 6, 2018, and for failure to submit payment of the assessed monetary penalty.
The Board granted GMT authorization to operate three non-ambulatory passenger vehicles (B20-022kj) (Attachment 5). Due to the violative history of the company, a two-year probationary period was included in the Board Report. The probationary period became effective on October 8, 2020 and was due to expire on October 8, 2022. Notification of the approval was sent to the company on October 14, 2020. (Attachment 6)

Third Violation

February 22, 2021, at approximately 11:30 a.m., a Department Investigator conducting surveillance at the DaVita Washington Plaza dialysis center, 516 E. Washington Blvd, Los Angeles, CA 90015, observed an unpermitted white van park in front of the facility and picked up a patient on a gurney and loaded the patient into the van. Examination of the vehicle found that the only identifiers shown on the left side of the vehicle was the designation “NON EMERGENCY MEDICAL TRANSPORTATION” positioned just below the roofline of the van. The company name and logo were also missing from the back doors, with the right cargo door displaying the letters “Imed.com” only. The company logo was displayed on the right side of the van. Upon further investigation, it was discovered that neither the driver nor the attendant possessed current LADOT driver or attendant permits. The investigator issued Hearing Notice #100168 for violations of LAMC Sections 71.02(a) – unpermitted vehicle, 71.03(b) – unpermitted driver, 71.04.1 – unpermitted attendant and 71.16.1(b) – name or trademark not displayed as required. The hearing was scheduled for March 4, 2021. (Attachment 7)

Administrative Hearing

The hearing was attended by Mr. Mkhitaryan (Mkhitaryan) and Senior Transportation Investigator Patricia Barker (Barker). Based on the evidence submitted, Barker concluded that the violations listed in the report had occurred. Mkhitaryan was advised that the illegal pick up was a violation of the requirements of Board Report B20-022kj and would result in the immediate revocation of GMT’s authorization to operate a passenger transportation service within the City. Mkhitaryan attempted to convince Barker that the probationary period was too long and should be overturned, implying that the Senior hearing the case could deviate from the Board Report. When told that was not possible, he repeated that the probationary period was too long and continued to insist the requirement could be disregarded. He did not deny that the vehicle belonged to his company, instead he insisted that the Investigator “did not see what he thought he saw” and that the crew were actually dropping off the passenger, but did not provide proof.

At the conclusion of the hearing, Mkhitaryan was advised that after examination of the evidence provided and due to the requirements of Board Report B20-022.kj, his authorization to operate a passenger transportation service within the City would be revoked, effective immediately without further action from the Board. He was asked to sign the Hearing Outcome Form multiple times but refused.

On March 4, 2021, GMT’s authorization was revoked for violation of the probationary period imposed by the Board.
Additional Information

When the revocation was entered into the TAVIS system, it generated a preset hearing result notification letter. In this letter the system advised the GMT could appeal the decision. (Attachment 8) After this notice was discovered on March 4, 2021, a Web Notice and corrected copy of the hearing result notification letter was issued advising the company that based on the October 8, 2020 report (see footnote a on page 1), there was no appeal option. (Attachment 9) The corrected notice was also sent to GMT the same day. On March 16, 2021, Mkhitaryan submitted a “Request For Hearing Before The Board of Transportation Commissioners”. (Attachment 1)

Staff Recommendations

It is staff’s strong recommendation that due to GMT’s continued violations as well as the company’s inability or disregard for the rules, regulations ordinances, and board orders, the Board uphold the revocation of GMT as required by Board Report B20-022kj. In addition, it is recommended that the Board amend the two-year exclusion period to begin on April 8, 2021.

Applicable Regulations

Section 71.02(a) of the LAMC states:

“No person or corporation shall drive, operate or use, whether as owner, lessor, lessee or otherwise, any of the vehicles defined in Section 71.00 to pick up or attempt to pick up passengers within the limits of the City of Los Angeles, or allow or permit to be operated, driven, or used, whether as owner, lessor, lessee, or otherwise, any of the vehicles defined in Section 71.00 to pick up or attempt to pick up passengers within the limits of the City of Los Angeles unless a written vehicle permit for the operation of such specifically defined vehicles has been obtained from the Board; provided, however, that no vehicle permit shall be required for the operation of any vehicle under and in accordance with the terms and conditions of a franchise granted by the City of Los Angeles.”

Section 71.03(b) of the LAMC states:

“No person shall drive a non-ambulatory passenger vehicle as defined in Section 71.00 without first having obtained a non-ambulatory passenger vehicle driver permit from the Board.”

Section 71.04.1 of the LAMC states:

“No person shall act as a non-ambulatory passenger vehicle attendant in a non-ambulatory passenger vehicle as defined in §71.00 unless such person holds a non-ambulatory passenger vehicle attendant permit or an ambulance attendant permit from the Board.”

Section 71.16.1(b) of the LAMC states:

“Every motor vehicle other than taxicabs or autos for hire used and defined herein to carry passengers for hire, shall have displayed on both sides of each vehicle the name or trademark of the person under whose authority the vehicle is being operated or the name of the lessor or lessee
thereof. The display of the name or trademark shall be permanently marked in letters in sharp contrast to the background and shall be of such size, shape, or color as to be readily legible during daylight hours from a distance of 50 feet. This section does not prohibit additional displays approved by the Board not inconsistent with this section.”

**Appellant’s Statement**

Mr. Mkhitaryan stated in his “Request for Hearing Before the Board of Transportation Commissioners” that, “I was told by Senior Investigator Pat Barker that I do not have the right to appeal.” (Attachment 1.)

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