


BOARD REPORT
CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION

Date: August 10, 2023

To: Board of Transportation Commissioners

From: Connie Llanos, Interim General Manager 

Subject: **RECOMMENDED DISCIPLINARY ACTION AGAINST DNPA TRANSPORTATION DBA CARE TECH TRANSPORTATION (ID #2646) CONCERNING THE JULY 5, 2023 VIOLATION OF LOS ANGELES MUNICIPAL CODE (LAMC) SECTION 71.03(B) – UNPERMITTED DRIVER**

RECOMMENDATIONS

That your Board:

- a. **Find** that on June 21, 2023, the Department notified DNPA Transportation dba Care Tech Transportation (Care Tech) of the cancellation of driver permit #624868 issued to Jose Javier Castaneda Rios (Rios).
- b. **Find** that on July 5, 2023, a Department Investigator observed Rios pick up a gurney patient from DaVita Washington Plaza Dialysis located at 516 E. Washington Blvd., in the City of Los Angeles.
- c. **Find** Care Tech's violation history as well as the additional July 5, 2023 violation that occurred two weeks after the Department's notification of the cancellation of Rio's permit, clearly indicates the company's lack of compliance and requires that the company be presented to the Board of Transportation Commissioners (Board) for possible further disciplinary action.
- d. **Inform** Care Tech that a monetary penalty of \$2,000 shall be assessed against Care Tech and in accordance with LAMC §71.09(b), Care Tech is to be suspended for a period of no less than one year from the date of the Board's decision, where no new applications shall be accepted. Additionally, impose a one-year probationary period for any new authorization granted after the suspension period expires, in which any further violation of the City's LAMC, Board Orders, rules or regulations shall result in permanent revocation of the new authority.
- e. **Inform** Care Tech that all drivers, attendants, and vehicle permits must be surrendered by August 14, 2023, and payment of the monetary penalty must be submitted to the Department within 30 days of the Board's decision.

Initiated By

The Department initiated this report in view of the continued illegal operations by Care Tech by using an unpermitted driver even after the company had been notified of the cancellation of that driver's permit by the Department.

DISCUSSION

DNPA Transportation, Inc., dba Care Tech (Co ID #2646) was granted authorization to operate 4 unrestricted non-ambulatory gurney vehicles on December 14, 2020. On July 18, 2022, the company received authorization to increase their authorized gurney vehicle fleet by one vehicle and in addition, received authorization to operate one unrestricted non-ambulatory vehicle. The company is currently authorized to operate five unrestricted non-ambulatory gurney vehicles and one unrestricted non-ambulatory passenger vehicle.

Current Incident

On March 2, 2023, Care Tech submitted a Non-Ambulatory Passenger Vehicle Driver application for Jose Javier Castaneda Rios (Rios) (CDL #Y9297882). Examination of the application shows that Rios circled the "No Convictions" box. (Exhibit 1) Prior to the submission of this application, on February 28, 2023, the Department received Rios's Department of Justice (DOJ) Report. In spite of having received the DOJ Report prior to the application, on June 6, 2023, Rios was issued permit #624868 without the required review of his application by a Senior Transportation Investigator.

On June 21, 2023, Rios's application was submitted to and reviewed by a Senior Transportation Investigator. The review found the following:

1. Rios falsified his application by indicating he had no conviction history. The DOJ Report received on February 28, 2023, showed three convictions, one of which disqualified him from possessing any Los Angeles Department of Transportation (LADOT) permit until April 9, 2026.
2. The Social Security Card submitted with the application did not match the Social Security number Rios listed on his application.
3. Examination of the image of the Social Security Card submitted with the application indicates the card is fraudulent (Exhibit 3).

Rios's permit was canceled on June 21, 2023. Both Care Tech and Rios were notified of the cancellation on June 21, 2023. Rios was notified by mail (Exhibit 1) and Care Tech was notified by web notice. (Exhibit 1) Both notifications stated that proof from the Social Security Administration of a valid Social Security Number (SSN) assigned to Rios must be submitted with any new application. The notifications also advised the Department's decision could be appealed, if the appeal request was received within 10 days of the cancellation notice.

On June 26, 2023, the Department received an email from Care Tech asking why Rios's permit had been canceled and stating that Rios has used an Individual Tax Identification Number (ITIN) for the last 10 years because he does not have ". . . his ssn." On June 27, 2023, Department staff responded to Care Tech stating that Rios uses an ITIN (Individual Tax Identification Number) because he does not have his SSN. (Exhibit 2) ¹

¹ Research on ITIN numbers found that they are issued under very express conditions and to very specific persons and are not to be used as proof of right to work. (Exhibit 3)

Documented Violation

On December 5, 2023, at approximately 12:00 noon, while conducting surveillance at DaVita Dialysis Washington Plaza, 516 E. Washington Blvd., in the City of Los Angeles, a Transportation Investigator (Investigator) observed Care Tech Unit #010 park in front of the dialysis center. Two individuals exited the vehicle and entered the dialysis facility. They returned to the vehicle with a patient on a gurney and proceeded to load the patient into the vehicle.

The Investigator approached, identified himself, and asked to see their LADOT permits. The attendant produced his permit which was valid for Care Tech and current. However, the driver, identified as Rios, attempted to enter the driver's seat of the vehicle without complying, but was unsuccessful. Rios stated to the Investigator that: "I don't have one, I just started two weeks ago and my livescan and everything is clear, we're just waiting on DOT clearance." When advised by the Investigator that he could not operate without a permit, Rios replied "I'm not sure of the process because I just started two weeks ago."

Hearing Notice #100373 was issued to Care Tech for violation of Los Angeles Municipal Code Section 71.03(b) – unpermitted driver.

On July 5, 2023, at 12:24 p.m, a Request to Appeal was received in Rios's name from Care Tech. That request could not be accepted because the 10-day window for submitting it has closed. Care Tech was notified of this fact on the same date at 12:38 p.m. No further communications regarding Rios have been received by the Department. (Attachment 1)

On July 6, 2023, a Notice to Cease Unlawful Transportation Operations (LE23-262.pab) was issued to Care Tech for the June 21, 2023 violation. (Attachment 2)

Violation History

Care Tech's violation history shows that the company knew or should have known that allowing unpermitted personnel to pick up passengers and patients within the City was illegal. The company's history is as follows:

September 15, 2021

A Care Tech vehicle was observed picking up a patient from 5108 West Sunset Blvd. Neither the driver nor the attendant possessed the required LADOT permits. The company was assessed a monetary penalty of \$500.00. This penalty was paid on September 23, 2021.

September 21, 2022

A Care Tech vehicle was observed picking up a patient from 1936 E. 1st Street. The driver did not possess a valid LADOT permit as required. The company was assessed a monetary penalty of \$500.00. The company submitted payment for this fine on September 29, 2022.

Administrative Hearing – July 13, 2023

On July 5, 2023, an email was sent to Care Tech as a reminder that the company was scheduled for an Administrative Hearing at 10:00 a.m. on July 13, 2023. (Attachment 3)

No representative from Care Tech appeared for the scheduled Administrative Hearing. The staff Investigator assigned to conduct the hearing did not assess a monetary penalty.

PROPOSED DISCIPLINARY ACTION

It is the recommendation of staff that due to Care Tech's continued failure to comply with the rules and regulations of the City of Los Angeles and the company's failure to effect remedies, that the Board impose a monetary penalty of \$2,000.00 as required by Board Order 580, and in accordance with LAMC §71.09(b), suspend the company for a period of no less than one year from the date of the Board's decision, in which no new applications from Care Tech shall be accepted. Staff also request that a one-year probationary period be imposed for any new authorization after the revocation period in which any further violation of the City's LAMC, Board Orders, rules or regulations shall result in permanent revocation.

Applicable Regulations

Driver permits are addressed in LAMC § 71.03(b) which states, in part:

"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."

Grounds for suspension of permits is addressed in LAMC § 71.08, which states:

"The following shall constitute grounds for denial, revocation, suspension or cancellation of any driver, attendant, or vehicle permit for which this article makes provision:

(b) "Violation of any rule or regulation of the Board, any section of the Los Angeles Municipal Code, Los Angeles Administrative Code and other ordinances of the City, any rule or regulation of the Department of Airports, and any section of a State Statute or Administrative Code, relating to the operation of a vehicle defined in Sec. 71.00 and for which a permit is required under this code."

Los Angeles Municipal Code § 71.09(b) states:

(b) "**Temporary suspension:** The General Manager of the Department or his authorized representative may temporarily suspend any permit. Such temporary suspension shall be after the permittee has been given notice to appear before the General Manager or his authorized representative for a hearing on the charges. Such notice shall include the basis for the proposed charges. The permittee shall have the right to respond either orally or in writing. If after hearing it is determined that cause for suspension exists the permittee may accept the suspension of the permit or fill out a prescribed form requesting a hearing before the Board. The Board shall consider such request and the grounds therefor and shall take appropriate actions thereon subject to the provisions of Section 71.07." **(Amended by Ord. No. 165,491, Eff. 3/19/90.)**

Waiver of hearing is addressed in § 71.09(d), which states:

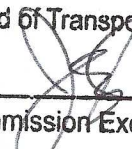
(d) "**Waiver of hearing:** Failure of permittee to respond to a notice to appear before The General Manager of the Department or his authorized representative or before the Board is a waiver of the right to a hearing and action may be taken without permittee being present."

Board Order 580 states, in part:

“Any occurrence/incident may have multiple violations and each violation will be reviewed and assessed independently. Any three occurrences/incidents of violations within a 12-month period may result in the Department’s recommendation to the Board to revoke all existing permits and impose a probationary period, for no less than one year, during which time no new applications will be accepted. Furthermore, depending on the severity of the violations(s), the Board may revoke all existing permits after the first or second violation and impose a probationary period of no less than one year.”

JMM/pab

B23-016- .pab

Approved: 8/10/2023
Board of Transportation Commissioners

Commission Executive Assistant