

BOARD REPORT
CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION

Date: February 8, 2024

To: Board of Transportation Commissioners

From: Laura Rubio-Cornejo, General Manager



Subject: **APPEAL OF SOLARTRICITY DBA ZOOM MEDICAL TRANSPORTATION CONCERNING THE DEPARTMENT'S FINDING OF GUILTY, PURSUANT TO LOS ANGELES MUNICIPAL CODE §71.03(B) - UNPERMITTED NON-AMBULATORY DRIVER AND LOS ANGELES MUNICIPAL CODE §71.04.1 - UNPERMITTED NON-AMBULATORY PASSENGER VEHICLE ATTENDANT**

RECOMMENDATIONS

That your Board:

- a. Find that on December 19, 2023, after conducting an Administrative Hearing, Solartricity dba Zoom Medical Transportation (Zoom), was found guilty of two violations of the Los Angeles Municipal Code (LAMC), §71.03(b) - unpermitted driver and LAMC §71.04.1 - unpermitted non-ambulatory passenger vehicle attendant. No Monetary Penalty was assessed to the company.
- b. Find that Zoom asserts the trip was a "continuous trip" even though no evidence has been submitted by Zoom to support that claim.
- c. Find that Zoom is currently on a two-year probationary period (B22-027).jp) (See Attachment #2) wherein "...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 permanent revocation of all authorities without further action from the Board, and disallow the owner to reapply under any other company name." The probationary condition does not end until November 10, 2024.
- d. Inform Zoom that as a condition of their current Board Report (B23-027.jp), the company is hereby revoked and the conditions of their Board Report stand.
- e. Inform Zoom that the company is hereby revoked and all vehicle, driver, and attendant permits must be relinquished to the Department within 10 days of the Board's decision.

Initiated By

On December 22, 2023, Jesse Lucas, owner of Zoom, submitted an appeal of the Department's determination that on December 11, 2023, his company committed two violations of Sections 71.03(b) - unpermitted vehicle, and 71.04.1 - unpermitted gurney attendant of the Los Angeles Municipal Code.

DISCUSSION

Company History

On July 13, 2017, the Board of Transportation Commissioners granted Zoom (Company Code 1606.0) authorization to operate four unrestricted non-ambulatory passenger vehicles. (Board Report #B17-037)

1st Violation - August 20, 2018

As part of the Department's annual inspection process, Zoom is sent an email notifying the company that two of their vehicles, Units #105 and #106 are due for an annual inspection by August 30, 2018. On August 21, 2018, Lucas emailed the Department stating the vehicles will be made available for inspection on August 27, 2018. On August 27, 2018, the day of the inspections, Lucas emailed the Department to state that Unit #105 would not be available due to recent body damage. No proof regarding this claim is submitted with the email. Lucas also requests rescheduling Unit # 106 for later in the week. There is no record that either vehicle was ever inspected as required.

On September 4, 2018, Hearing Notices #65242 and #65241 were issued to Zoom for failing to appear for a scheduled annual inspection. The hearing was scheduled for September 4, 2018. A "Notice to Cease All Transportation Operations" (LE18-058.pab) was also issued due to the company's multiple violations.

At the conclusion of the hearing, Zoom was assessed a total of \$700 as a monetary penalty for failing to appear for inspection as required.

A second "Notice to Immediately Cease Unlawful Transportation Operations for Failure to Comply" (LE18-090.pab) was sent to the company on December 19, 2018 regarding the company's failure to submit his permitted vehicles for inspections as well as being placed in Temporary Suspension for failure to comply with several Department regulations and failure to appear for a scheduled Administrative Hearing.

Shortly after this, all attempts at communicating with the company become unsuccessful.

2nd Violation - February 4, 2019

Due to the non-responsiveness of the company, Zoom was scheduled to be heard before the Board of Transportation Commissioners on February 14, 2019 with a recommendation to revoke the company. (Attachment #2)

On February 1, 2019, Zoom was notified, via Certified Mail, of the scheduled hearing before the Board. There was no response and the notice was returned unopened to the Department on February 7, 2019.

On February 14, 2019, the Board revoked Zoom's authorization to operate any form of passenger transportation service within the City and imposed a two-year exclusion wherein the Department was not to accept any new applications. Notification of the revocation was sent to the company's address of record on February 19, 2019. (Attachment #3)

Current Company (Co ID #2705) (Attachment #4)

On August 23, 2022, the Department received an application from Lucas requesting authorization to operate three unrestricted non-ambulatory gurney vehicles. On November 10, 2022, the Board granted Zoom's request on November 10, 2022, with the stipulated condition that the company was under a two-year probationary period wherein:

"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 permanent revocation of all authorities without any further action from the Board, and disallow the owner to reapply under any other company name."

A second application was received by the Department requesting authorization for Zoom to operate two unrestricted private ambulance authorities. (A23-021) That request was granted on June 13, 2023. All five vehicles are currently in service.

VIOLATIONDecember 11, 2023 (Attachment #5)

At approximately 11:50 a.m. a Department Investigator was stationed at the Kaiser Permanente Medical Facility located at 1050 W. Pacific Coast Highway. The Investigator observed a vehicle bearing license plate #23831M3, the company logo of Zoom Medical Transportation, Unit # of 101 and LADOT vehicle decal #0865 parked in front of the entrance to a medical building on Kaiser property. After observing two people remove a gurney patient from the facility and load them into the vehicle, the Investigator approached the vehicle and identified themselves to the driver and attendant and requested to see their LADOT permits. The driver (identified as Anthony Martin) and attendant (identified as Alberto Veliz)¹ were unable to produce any LADOT issued driver or attendant permits, current or otherwise. When asked about what type of trip they were conducting, neither person was able to explain why they were operating a permitted vehicle.

The investigator issued Hearing Notice #100385 to the company. The hearing was scheduled for December 19, 2023.

Additionally, on December 11, 2023, after speaking with Lucas regarding the alleged violation, the Investigator sent the company an email requesting the company provide proof that the observed pickup was part of a continuous trip. If proof was provided, the Investigator will void the hearing notice. To date, no proof has been submitted.

¹ A review of the T.A.V.I.S system found that the driver, Anthony Martin does have an application in process, but does not currently have a valid LADOT driver permit as of the date of the violation. No evidence that an application has been submitted for the attendant Alberto Veliz could be found in the system.

December 19, 2023 Administrative Hearing

Present at the hearing was Jesse Lucas representing Zoom, Investigator Micharel Suarez (Suarez), Investigator Alejandro Juan (Juan), and attending at the end of the hearing, Senior Investigator Patricia Barker (Barker).

Lucas stated that since the trip originated in Carson, California, it constituted a continuous trip because the pickup originated outside of the City of Los Angeles, meaning that he did not need to staff the permitted vehicle with a permitted driver and attendant.

Lucas was informed that when the patient's originating address occurs outside of the boundaries of the City, the trip does not constitute a continuous or round trip. Such trips were permissible, at the discretion of the Department, for companies that did not do business within the City, except on very rare occasions, where a patient might need to be transported for specialized treatment not available outside of the City. In those cases, examination of the vehicle's log would indicate a "round" or "continuous" trip" or "wait and return" status. Companies must indicate this in their dispatch records and the vehicle, driver, and attendant are required to remain at the treating location until it is time to return the patient to their destination. In such cases, the company, vehicle, driver and/or attendant would not possess LADOT authorization to operate within the City limits. Lucas did attempt to submit documentation purporting to identify the trip as a round trip. The Investigator(s) did not accept the documentation due to conflicting times listed for the trip in question.

Investigator Suarez concluded that two violations had occurred and found the company guilty, but did not assess a fine, settling instead for a warning.

On December 31, 2023, Zoom's non-ambulatory gurney authority, #12830 was closed. As of the time of the closure, the company had not paid the required renewal fee for the three vehicles (Invoice #24364) or the technology fee for the two permitted ambulances.

Applicable Regulations

Los Angeles Municipal Code SEC. 71.03. DRIVING OF VEHICLES -PERMITS REQUIRED. (Amended by Ord. No. 173,901, Eff. 5/31/01.)

(b) "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."

SEC. 71.04.1. NON-AMBULATORY PASSENGER VEHICLE ATTENDANTS -PERMITS REQUIRED.

"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." (Added by Ord. No. 154,996, Eff. 4/26/81.)

RECOMMENDATION

It is staff's recommendation that the Board uphold the conditions of Board Order B22-027.jp in its entirety and permanently revoke Zoom and disallow the owner, Jesse Lucas from reapplying for any form of passenger transportation under any other company name.

Appellant's Statement

Lucas stated in his "Request for Hearing Before the Board of Transportation Commissioners":

"Because the vehicle & driver were part of a continuous transport originating out side of City, herefore; those rules did not apply, because it did not "originate" in LA City. Alternate theory, LADOT rules were ambiguous and not easily accessible." [Sic] (Attachment 1.)

JMM/pab

B24-001.pab

