

BOARD REPORT  
CITY OF LOS ANGELES  
DEPARTMENT OF TRANSPORTATION

Date: August 8, 2024

To: Board of Transportation Commissioners

From: Laura Rubio-Cornejo, General Manager



Subject: **RECOMMENDED PENALTY ASSESSMENT OF \$18,750 AGAINST CUORE INC. DBA HEART TRANSPORTATION FOR MULTIPLE VIOLATIONS OF LOS ANGELES MUNICIPAL CODE**

**RECOMMENDATIONS**

That the Board:

- A. **Find** that Cuore Inc. dba Heart Transportation (Heart) committed 9 violations of Los Angeles Municipal Code (LAMC) § 71.02(b) – unpermitted vehicle, 8 violations of LAMC § 71.03(b) - unpermitted non-ambulatory driver, and 4 violations of LAMC § 71.04.1 - unpermitted non-ambulatory attendant, for a total of 21 violations, totaling a monetary penalty assessment of \$18,750.
- B. **Find** that the total number of confirmed unpermitted non-ambulatory gurney violations assessed against Heart Transportation justifies the assessment of a total monetary penalty of \$18,750.
- D. **Find** that the total number of confirmed violations necessitates the revocation of Heart Transportation; wherein, no future applications shall be accepted by the Department for a period of two years.
- E. **Advise** Heart Transportation that the company must pay the monetary penalty in full within 30 days of the Board’s decision, and any future applications must provide proof that payment in full has been made.

Initiated By

The Department initiated this report in view of the Department’s findings of repeated illegal transportation operations performed by Heart Transportation.

**DISCUSSION**

On October 12, 2021, the Department received an application from Jacob J. Silva (Silva) requesting authorization to operate three unrestricted non-ambulatory gurney vehicles under the name Cuore Inc. dba Heart Transportation. The application listed Silva as the Owner and Operations Manager of the company.

On April 7, 2022, Heart Transportation was granted authorization for the three unrestricted non-ambulatory gurney vehicles by the Board of Transportation Commissioners. Heart Transportation currently has three unrestricted non-ambulatory gurney vehicles in service as of the date of this report.

On August 21, 2023, the Department received a complaint of alleged illegal transportation operations being committed by Heart. As a result, on August 24, 2023, the Department requested dispatch records from Heart covering the time period of January 1, 2023 through July 31, 2023. The dispatch records from Heart were received on September 15, 2023. The records were found to be missing a large amount of critical information regarding the type of trip, (non-ambulatory or gurney), and who the crew members were. An administrative hearing was scheduled with Silva for November 7, 2023. When asked about the missing information, Silva stated that he had purchased a “low-end” dispatch system that did not retain information. In July 2023, he changed to a better dispatch system. Silva asked if he could review the dispatch records to see if he could narrow down the incidents of missing data. He was provided with a copy of a spreadsheet prepared by staff of the potential violations so he could re-submit a corrected copy at a second hearing scheduled for November 16, 2023. At the end of the hearing, the company was issued Hearing Notice #064758 for the potential violations.

During the second Administrative Hearing on November 16, 2023, Silva stated that he was able to verify that 24 of the 39 alleged gurney violations were, in fact, performed as wheelchair transports. This means no attendant was required. However, he did not bring the revised list with him. Staff advised him to submit a correct list showing the wheelchair transports by November 20, 2023, so staff could confirm them.

The Department received Silva’s corrected dispatch records on November 17, 2023. He was unable to give names for the attendants on the trips that were not identified as gurney or wheelchair transports that occurred from January 9, 2023 through March 21, 2023, but did state verbally that those trips were all wheelchair transports.

Since the Department was unable to positively identify the trips as either wheelchair or gurney, the unconfirmed gurney transports identified by Silva as occurring between January 9, 2023 through March 21, 2023 were not included in the resulting investigation.

The confirmed illegal transports, according to the data submitted by Heart, are listed below:

LAMC § 71.02(b) - unpermitted vehicle	9
LAMC § 71.03(b) - unpermitted driver	8
LAMC § 71.04.1 - unpermitted non-ambulatory attendant	4
Total violation count:	21

The monetary penalty calculations for LAMC § 71.02(b)

1st Violation	2nd Violation	3rd Violation or More	# of Violations	Total Monetary Penalty Assessed
\$500.00	\$750.00	\$1,000 ea	9	\$8,250

The monetary penalty calculations for LAMC § 71.03(b)

1st Violation	2nd Violation	3rd Violation or More	# of Violations	Total Monetary Penalty Assessed
\$500.00	\$750.00	\$1,000 ea	8	\$7,250

The monetary penalty calculations for LAMC § 71.04.1

1st Violation	2nd Violation	3rd Violation or More	# of Violations	Total Monetary Penalty Assessed
\$500.00	\$750.00	\$1,000 ea	4	\$3,250

The total monetary penalty assessed to Heart Transportation (company) as provided in Board Order 580, Sections 1(a), 1(b), and 1(d) is \$18,750.00.

#### **PROPOSED DISCIPLINARY ACTION**

It is staff's recommendation that the following disciplinary action be assessed against Heart Transportation:

1. Heart Transportation will be assessed the total monetary penalty of \$18,750.00.
2. Heart Transportation be revoked for a period of no less than two years; wherein, no new applications shall be accepted by the City.
3. If Heart Transportation is granted authorization to operate within the City at any time in the future, the company shall be placed on a two-year probationary period; wherein, any confirmed violation that occurs within that probationary period shall result in the immediate and permanent revocation of Heart Transportation without further action from the Board.

#### Applicable Regulations

Los Angeles Municipal Code § 71.02(a) states:

“ No person, corporation, cooperative, association, firm, partnership, membership organization, or other entity 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 a passenger 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.”

Los Angeles Municipal Code § 71.03(b) 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.”

Los Angeles Municipal Code § 71.04.1 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.”

Board Order 580, § 1: Vehicle Permittees refers to the violation and number of incidents:

Rule 1(a) states:

		<u>First</u>	<u>Second</u>	<u>Third or more</u>
a.	Using an unpermitted vehicle to pick up or attempt to pick up passengers in the City:	\$500	\$750	\$1,000

Rule 1(b) states:

		<u>First</u>	<u>Second</u>	<u>Third or more</u>
b.	Authorizing a person without a valid driver’s permit issued by the Department to pick up or attempt to pick up passengers in the City:	\$500	\$750	\$1,000

Rule 1(d) states:

		<u>First</u>	<u>Second</u>	<u>Third or more</u>
d.	Authorizing an individual to act as an attendant without a valid permit issued by the Department:	\$500	\$750	\$1,000

Board Order 580 further states:

“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 violation(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

B24-002.1.pab

Approved: *with amended motion* 8/8/2024  
Board of Transportation Commissioners  
*[Signature]*  
Commission Executive Assistant

