



Public Utilities Commission
STATE OF CALIFORNIA
CITATION FOR VIOLATION
OF PUBLIC UTILITIES CODE

To: MG Express INC
Attn: Juan Miguel
223 N. 5th Street Unit B
Santa Paula, CA 93060

File: TCP 39634
Date: October 16, 2023
Citation #: T.23-10-001
Case #: PSG-5913

VIOLATIONS

You are hereby cited with having violated section(s) of the Public Utilities Code (P.U. Code) and California Public Utilities Commission (CPUC) General Order (G.O.) as described below. These violations occurred on April 20, 2023.

- (1) Engaged one employee-driver without evidence of Workers' Compensation (WKCP) insurance coverage in effect and on file, in violation of Pub. Util. Code section 5378.1. [1 count]
- (2) Failed to enroll a driver in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) program, in violation of Pub. Util. Code sections 5374(a)(1)(D), , G.O. 157-E Part 5.02. [1 count]
- (3) Failed to maintain a current equipment statement, in violation of G.O. 157-E Part 4.01 [1 count]

STATEMENT OF FACTS

The above violations are documented in the attached Investigation Report, which consists of the carrier's records and substantiating documents obtained from other sources.

RESPONSE

TEB used the Penalty Assessment Methodology adopted in Resolution M-4846 and considered mitigating and exacerbating factors in setting the fine.

You are hereby called upon to answer this citation on or before November 13, 2023. By way of such answer, you may either:

- (1) Pay a fine of \$3,000 pursuant to P.U. Code Section 5378. (Submit your check or money order payable to California Public Utilities Commission using the attached *Citation Agreement*. Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund and the Commission staff will deem the matter closed, **or**
- (2) Contact the Supervisor below to make payment arrangements, **or**
- (3) Contest this Citation by filing an Appeal. See attached document "*How to File an Appeal and Instructions for Filing a Notice of Appeal and Certificate of Service for a Citation Appeal.*"

If you fail to respond by November 13, 2023, you will be in default and will have forfeited your right to appeal the Citation. In addition, your operating authority will be immediately suspended and may be subsequently revoked pursuant to Resolution ALJ-187. The Commission may also act through a civil or criminal proceeding to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

Rahmon Momoh

Rahmon Momoh
Consumer Protection and Enforcement Division
Transportation Enforcement Branch
Telephone number: (415) 703-1725
E-mail address: Rahmon.Momoh@cpuc.ca.gov

INVESTIGATIVE REPORT

ENTITY NAME: MG Express INC.
A California Corporation, # 4204361

OFFICER: Juan Miguel Gil

ADDRESS: 233 N 5th Unit B.
Santa Paula, CA 93060

PHONE NUMBERS: [REDACTED]

AUTHORITY: Charter-Party Carrier Certificate, TCP 39634 - B

EMPLOYEES: 0

VEHICLES: 1 Bus

PL&PD INSURANCE: Trisura Specialty Insurance Company
[REDACTED]
Policy Effective Date: November 3, 2022

WORKERS' COMPENSATION INSURANCE: N/A

DRUG CONSORTIUM: New Era Drug Testing

REVENUE:

<u>Year</u>	<u>Declared Revenue</u>
2022	[REDACTED]
2021	[REDACTED]

NARRATIVE

On June 6, 2023, I was assigned to investigate MG Express Inc. (hereinafter referred to as MG) following an inspection of their bus by the California Highway Patrol during a compliance check at the Coachella Music Festival in Indio, CA on April 20, 2023. The inspection revealed that the bus displaying license plate [REDACTED] was not listed on MG's equipment list, and MG had a driver working without having a workers' compensation insurance policy in effect and on file with their certificate.

VIOLATION

The investigation for the date of April 20, 2023, disclosed violations of the following provisions of the Public Utilities (Pub. Util.) Code.

- **Engaged one employee-driver without evidence of Workers' Compensation (WKCP) insurance coverage in effect and on file, in violation of Pub. Util. Code section 5378.1. [1 count]**

Pub. Util. Code section 5378.1 requires all charter-party carriers to obtain evidence of Worker's Compensation insurance in effect and on file with the commission before allowing an employee to work as a driver. On April 20, 2023, MG's employee, Salvador Escobar, operated the bus displaying license plate [REDACTED] at 81455 Ave 50, Indio, CA [Attachment 1]. Transportation Licensing And Analysis Branch (TLAB) records show MG never had a Workers' Compensation insurance policy on file. MG declared under penalty of perjury that they had no employees[Attachment 2].

- **Failed to enroll a driver in the Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) program, in violation of Pub. Util. Code sections 5374(a)(1)(D), 5381, G.O. 157-E Part 5.02, and California Vehicle Code (CVC) 1808.1 [1 count]**

Pub. Util. Code sections 5374(a)(1)(D), 5381, G.O. 157-E Part 5.02, and CVC 1808.1 require all drivers to be enrolled in the DMV Employers Pull Notice Program (EPN). A review of MG's [REDACTED] showed that driver Salvador Escobar, who operated the bus displaying license plate [REDACTED] at Indio, CA on April 20, 2023, was not enrolled in MG's EPN program[Attachment 3].

- **Failed to maintain a current equipment statement, in violation of Pub. Util. Code sections 5381, G.O. 157-E Part 4.01 [1 count]**

G.O. 157-E Part 4.01 requires every carrier to maintain, on file with the Commission, an equipment list of all vehicles (owned or leased) in use under each certificate and permit. On April 20, 2023, MG's employee, Salvador Escobar, operated the bus displaying license plate [REDACTED] at 81455 Ave 50, Indio, CA. This bus with license plate [REDACTED] was not listed in MG's equipment statement[Attachment 4].

DECLARATION

I have read the foregoing and know the contents thereof and I declare that the foregoing is true and correct, except as to those matters stated on information and belief, and I believe to be true.

Executed on October 16, 2023
at Sacramento, California


Alexander Nera Enforcement Analyst

INDEX OF ATTACHMENTS

Attachment 1	CHP Inspection report plate [REDACTED]
Attachment 2	MG Express TCP 39634 Workers Compensation Declaration
Attachment 3	MG Express TCP 39634 DMV Employer Pull Notice
Attachment 4	MG Express TCP 39634 Equipment List

ATTACHMENT 1





California Highway Patrol
9330 Farnham Street
San Diego, CA 92123
Phone: (858) 944-6349
Internationally Accredited Agency CHP407F/343A

Report Number: CAUCNU001235
Inspection Date: 04/20/2023
Start: 5:25 PM PT End: 6:04 PM PT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: MG EXPRESS INC

DBA:
223 N 5TH STREET UNIT B
SANTA PAULA, CA, 93060

USDOT: 2795701

Phone#: (805)403-8186

MC/MX#: 933174

Fax#:

State#:

Location: 81455 AVE 50, INDIO

Highway: AVE 50

County: RIVERSIDE

Email: MG_EXPRESS34@YAHOO.COM

Driver: ESCOBAR-GALVAN, SALVADOR

License#: [REDACTED]

State: CA

CoDriver:

License#:

State:

Date of Birth:

Milepost: Shipper: N/A

Origin: INDIO,CA

Bill of Lading: N/A

Destination: INDIO,CA

Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA Existing	CVSA #
1	BU	MCI	2017	CA	[REDACTED]	509	[REDACTED]	[REDACTED]		

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
5204(a)	CVC/002	S	1	N	N	N	Registration tabs displayed are expired, missing or illegible--392.2RG--Specify: LICENSE PLATE DISPLAYED ON VEHICLE IS NOT CURRENTLY ASSIGNED TO THIS VEHICLE, MISSING CURRENT REG TABS
26710(a)	CVC/002	S	1	N	N	N	Condition of front or rear window is in such a defective condition that it impairs the driver's vision, must correct with 48 hours pursuant to 26710(c) CVC--392.2: CRACKED WINDSHIELD IN DRIVER VIEW

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

State Information:

Beat/Sub Area: 859; Special Project Code: 467; Regulated Vehicle: Y; Pre-Cleared Vehicle: N; Veh #1 Type: 10

Co-Inspector(s):

Ephraim (A18194)

Notes: CA PUC: TCP ACTIVE

BUS NOT LISTED W/ PUC, DRIVER NOT LISTED

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispach. Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.

Report Prepared By: J. Miller
ID/Badge #: 16410

Copy Received By: SALVADOR ESCOBAR-GALVAN

X

X



ATTACHMENT 2



PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
WORKERS' COMPENSATION DECLARATION FORM

Carrier Name: MG Express Inc

YOUR FILE NUMBER
PSG#: 35858

When you fill out this form, remember that the term "employee" includes clerical persons as well as drivers and any other persons employed in your carrier operations.

If your business is an OUT OF STATE CORPORATION, please note that you are not subject to the workers' compensation laws of California unless you have employees who reside in California. If you have employees who reside in California, check "B" below; if not check "A".

If you employ persons in your carrier operations in any manner that makes you subject to the workers' compensation laws of California, have your insurance company submit proof of insurance via PUC Insurance E-Filing or a certificate of consent to self-insure issued by the Director of Industrial Relations.

Check one of the following (read both before choosing):

- A. **I DO NOT HAVE ANY EMPLOYEES.** If I hire employees in the future, I will submit an amended Workers' compensation Declaration Form to the Commission and contact my insurance company at once and have the required certificate of coverage mailed to the Commission.
- B. **I DO HAVE EMPLOYEES.** (This box also applies to applicants for a permit or certificate who do not now have employees, but will employ workers upon commencement of operations.) I will contact my insurance company and have the required certificate of coverage mailed to the Commission. I understand that the Commission will not issue or reinstate a permit or certificate until it receives my certificate of coverage.

CERTIFICATION

I (we) certify (or declare), under penalty of perjury, that I (we) have read and understand the above requirement regarding workers' compensation and that I (we) am (are) able to and will comply with it. I (we) certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Date: 4/15/21

Juan Miguel Cord
Print Name of Applicant(s)

Signature of Applicant(s)

[Signature]
Signature of Corporate Officer

Pres.
Title of Corporate Officer

ATTACHMENT 3



Drivers

Employers

DRIVER SEARCH

Driver Name DL Number Requester Code Add Date  Delete Date 

Driver Name	DL Number	Requester Code	Add Date	Delete Date	Status
GIL JUAN MIGUEL	██████	██████	04/22/2021		Enrolled

ATTACHMENT 4



[Accounts \(/lightning/o/Account/home\)](#) > [MG EXPRESS INC. \(/lightning/r/001t000000hoSFbAAM/view\)](#)

Assets

1 item • Sorted by Status • Updated a minute ago



<input type="checkbox"/>	Asset Name	Status	Seats	License Plate	VIN Number	Make	Body Type	Terminal Address Infor...	Last Modified Date	
1 <input type="checkbox"/>	PSG0039634 : [REDACTED] (/lightning/r/02t000000d552AA/view)	Active	56	[REDACTED]	[REDACTED] (/lightning/...	MCI	Bus	223 N 5TH ST UNIT B, SANTA...	2/8/2022 7:35 AM	<input type="checkbox"/>

