

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT :

V. :

DOCKET NO. C-2022-3035297

LATINO TAXI SERVICE LLC :
25 EAST BROAD STREET :
WEST HAZLETON, PA 18202 :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Latino Taxi Service, LLC, Respondent, maintains its principal place of business at 25 East Broad Street, West Hazleton Pennsylvania, 18202.
2. That Respondent was issued a certificate of public convenience for taxi authority by this Commission on October 11, 2017, at PUC No. 6320054 certificate A-2017-2613993.
3. That on September 15, 2022, a complaint was filed alleging violations of the Commission regulations that occurred on June 13, 2022. The basis of the investigation was that the carrier had employed a driver that had been arrested for various charges including but not limited to Driving Under the Influence of Controlled Substances and carrying a firearm without a license.
4. On June 13, 2022, Latino Taxi Service Taxi # 51, was involved in an accident investigated by the Hazleton City Police Department. The vehicle, a 2015 Honda, license TX50369, the last 4 numbers of the VIN being 9972, was being operated by Miguel A Valdez Diaz. A search of the Pennsylvania Department of Transportation vehicle record listed this tag as a "Dead Tag" that cannot be used on any motor vehicle.
5. That on October 4, 2022, PUC Enforcement Officer Neal Ebbert contacted the Latino Taxi Service regarding this incident. Office Ebbert was advised that the driver had been employed by Latino Taxi since January 30, 2020, and had quit on the day of the incident, June 13, 2022. Officer Ebbert was able to verify, through a certified driving record, at the time of the incident that Mr. Diaz's driving privileges were under a three (3) month suspension.
6. That on October 4, 2022, the carrier denied knowledge of the number of charges filed against the driver. The driver of vehicle was working the 2400-0600-hour shift. Officer Ebbert requested the driver's file and produce the log sheets for dates May 18, 2022, to June 13, 2022, the dates of Mr. Diaz's driver's license suspension.
7. That on October 4, 2022, Latino Taxi produced an incomplete driver file for Mr. Diaz. The file contained a driver application with no date, no contact with previous employers, a second page of a driver's history dated 1/20/2020, a criminal history from 1/30/2020 and a photocopy of the driver's license from Pennsylvania & New Jersey.
8. That on October 4, 2022, the carrier was unable to retrieve the log sheets that were requested by Officer Ebbert, explaining that since the driver separated from the business the log sheets were expunged from their system.

9. That Respondent, by allowing a vehicle to be operated without a valid license plate, has violated 52 Pa. Code §29.402(1) and 75 PA C.S. §§1332(a);1372. The penalty for this violation is \$50.00

10. That Respondent, by employing a driver whose operating privileges were under suspension, violated 52 Pa. Code §29.502 and 75 Pa.C.S.§1543 (a). The penalty for this violation is \$200.00

11. That Respondent, by employing a driver found to be using a controlled substance while operating a taxi, violated 52 Pa. Code §29.507 and 75 Pa. C.S. §3802(d). The penalty for this violation is \$1,000.00.

12. That Respondent, by failing to have a driver's current drivers record on file, has violated 52 Pa. Code §29.504(b)(2). The penalty for this violation is \$100.00.

13. That Respondent, by failing to have a driver's current criminal history on file, has violated 52 Pa. Code §29.505 (b)(2). The penalty for this violation is \$100.00.

14. That Respondent, by failing to retain completed log sheets, violated 52 Pa. Code §29.313 (c). The penalty for this violation is \$50.00.

WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Latino Taxi Service, LLC the amount of one thousand five hundred dollars (\$1,500.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,


A handwritten signature in black ink, appearing to read "Turriziani", is written over a horizontal line. The signature is fluid and cursive.

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: 28 October 2022



Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

- A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code §1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Or you may **eFile your Answer** using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

Or, **e-mailed to** at: RA-PCCmplntResp@pa.gov

- B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.
- C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:
- Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120
- D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.
- E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.
- F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.
- G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.