

Decision No. 22070**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation upon)
 the Commission's own motion into the)
 rates, rules, regulations, practices,)
 and operations of FOREST F. SULLIVAN,) Case No. 2660
 operating a common carrier truck service)
 between Los Angeles and Lancaster and)
 intermediate points.)

Philip Lyons, for Respondent.
 F. F. Ball for Board of Public Utilities and
 Transportation, City of Los Angeles, Interested party.

BY THE COMMISSION-

O P I N I O N

By reason of informal complaints having been filed relative to return of collections on C.O.D. shipments forwarded over the line of Forest F. Sullivan, the Commission on its own motion instituted its investigation and made its order directing said Forest F. Sullivan to appear and show cause why operative rights for the conduct of an automobile freight service as a common carrier of property, for compensation, between Los Angeles and Lancaster should not be revoked and annulled.

Public hearings on this matter were held at Los Angeles, the matter was duly submitted and is now ready for decision.

At the first hearing on this matter, D. W. Davis, an accountant of the Commission's auditing department, testified regarding an investigation made of the accounts and records of the respondent as of date January 28, 1929, resulting in a record of unpaid C.O.D. collections amounting to \$1893.54. A further check was made on March 18, 1929, at which time the record of unpaid C.O.D. collections had been reduced to \$826.14. A third check made just prior to the final hearing herein showed all the foregoing C.O.D. collections to have been paid and no unaccounted for collections except for three shipments, none of which had been in the possession of respondent for a period exceeding seven

days.

Forest F. Sullivan, respondent, testified that due to serious illness he had been unable to give personal supervision and attention to his business; that he had employed a representative at Lancaster to care for the business during his incapacity; and that C. O. D. as well as freight and other collections to the amount of \$5800.00 were yet to be accounted for by such representative. Witness further testified that he had borrowed funds, had made proper accounting for all C.O.D. collections and was using his best endeavors to rehabilitate his business and eliminate the troubles and complaints occasioned by reason of his illness, resulting in his inability to give the business proper and personal supervision.

It appears from the record herein that all C.O.D. collections, which were the cause of complaint and the instigation of this proceeding, have now been properly accounted for, as evidenced by investigation and report of the Commission's auditing department, and that respondent is now giving his personal attention to his business, particularly as to financial matters. Some laxity as to methods of handling C.O.D. shipments were shown to exist by the record herein, other than the lack of prompt return of shipments. These matters were called to respondent's attention at the hearing and should result in a more businesslike procedure in the handling of such matters hereafter. Respondent also fully understands that the accounting for C.O.D. collections must be conducted in accordance with the provisions of this Commission's General Order No.84, effective June 10, 1929, which requires that all moneys collected on C.O.D. shipments shall be remitted to consignor in no event later than ten days after delivery to consignee.

Upon the state of facts as contained in the record herein, we are of the opinion that the matter should be dismissed.

O R D E R

Public hearings having been held in the above entitled proceeding, at which respondent duly appeared in response to the order to show cause, the matter having been duly submitted, the Commission

now fully advised and of the opinion that the matter should be dismissed,

IT IS HEREBY ORDERED that this proceeding be and the same hereby is dismissed.

Dated at San Francisco, California, this 30th day of January, 1930.

Al Seaver
Samuel S. [unclear]
Leon [unclear]
Thos. [unclear]

COMMISSIONERS.