

Decision No. 26877

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Investigation       )  
on the Commission's own motion into       )  
the business and operations of                )  
CLARA HILL, nee Anderson, as a                )  
Motor Carrier Transportation Agent.        )

Case No. 3731.

H. C. Lucas and Orla St. Clair, by Orla St. Clair,  
for Pacific Greyhound Lines.

Orla St. Clair for Motor Carriers Association.

Robt. Brennan and Wm. F. Brooks, by Wm. F. Brooks,  
for The Atchison, Topeka & Santa Fe Railway Co.

Gerald J. O'Gara and Howard Day for the Better  
Business Bureau of San Francisco.

Wm. J. Gloria for Clara Hill, respondent.

BY THE COMMISSION:

O P I N I O N

This is an investigation upon the Commission's own motion into the business and operations of Clara Hill, nee Anderson, as a Motor Carrier Transportation Agent.

Public hearings on this investigation were conducted by Examiner Handford at San Francisco, the matter was duly submitted and it is now ready for decision.

Judith Anderson, an employe of the Better Business Bureau, testified that on December 16, 1933, she called at the Grand Hotel, San Francisco, and was referred to the respondent by the clerk there. She first talked over the telephone from the hotel office and later went to Room 407, where she interviewed respondent regarding travel service between San Francisco and Los Angeles. The witness was proposing to secure employment as a relief telephone operator at some hotel and was promised by respondent a commission

of \$1.00 on each prospective passenger by automobile from San Francisco to Los Angeles. Witness secured a business card advertising the Co-operative Travel Service in Room 407 of the Grand Hotel (Exhibit No.1). The San Francisco address of the Co-operative Travel Service is given as the Golden State Hotel, Powell and Ellis Streets - Phone Ordway 8292.

C. McDaniels, an employe of the Better Business Bureau, testified that on January 6, 1934, he went to the Grand Hotel in San Francisco seeking information regarding automobile travel service to Los Angeles. The clerk phoned Room 407 and after a short wait, a lady appeared at the travel desk and gave information regarding the trip, quoting a rate of \$5.00 per passenger. The name and address of witness were taken. This witness observed a sign in the window of the hotel advertising "Charter Sedans - Los Angeles twice daily." On the same date (January 6, 1934) witness called at the Golden State Hotel, San Francisco, regarding automobile transportation to Los Angeles and was referred by the hotel clerk to a woman in the lobby. Witness identified the respondent as being the woman to whom he talked. This woman gave information regarding the prospective trip, gave the time of departure of cars and quoted a rate of \$5.00 for transportation San Francisco to Los Angeles. Witness left his name and address at the time of the conversation. Witness also testified that he had observed a sign in the window of the Golden State Hotel and identified a photograph of said sign (Exhibit No.3). On the following day, January 7, 1934, this witness went to the Alta Hotel, San Francisco, and asked where he could purchase automobile transportation to Los Angeles and called attention to a sign in the window of the hotel advertising such trips. The hotel clerk dialed a telephone number and asked for "Travel" and explained that there was a party who desired to go to

Los Angeles. The witness then conversed with the party over the telephone and was told that he had previously talked with her regarding transportation to Los Angeles at the Golden State Hotel on the previous day and upon being so informed, he recognized the voice as being that of the lady with whom he had talked on the previous day. Mrs. Marion Forsee, a witness in the employ of Motor Carriers Association, testified that on February 8, 1934, she went to the Golden State Hotel and saw a sign advertising transportation. Witness made arrangements with the respondent for transportation to Los Angeles and was quoted a fare of \$5.00 and was told to pay the driver of the car. Later in the day witness was picked up at her residence in San Francisco and taken to Los Angeles, being delivered at the Roslyn Hotel. Car was driven via the Pacheco Pass, Bakersfield and the Ridge Route.

Mrs. Clara Hill, respondent herein, testified that she resided at the Golden State Hotel and had no connection with any travel bureau or with any automobile transportation service. Witness claimed to be engaged in no business of any kind and to know nothing as to the testimony regarding automobile transportation as given by the previously quoted witnesses.

We have carefully considered the testimony and record herein. We conclude therefrom that the respondent, Mrs. Clara Hill, has acted as a Motor Carrier Transportation Agent without a license so to do, as required by the provisions of Chapter 390, Statutes of 1933.

An order to cease and desist such unlawful operation should herein issue.

An order of this Commission finding an operation to be unlawful and directing that it be discontinued is in its effect not unlike an injunction issued by a court. A violation of such order constitutes a contempt of the Commission.

The California Constitution and the Public Utilities Act vest the Commission with power and authority to punish for contempt in the same manner and to the same extent as courts of record. In the event a party is adjudged guilty of contempt, a fine may be imposed in the amount of \$500.00 or he may be imprisoned for five (5) days, or both. C.C.P. Sec. 218; Motor Freight Terminal Company vs. Bray, 37 C.R.C. 224; re Ball & Hays, 37 C.R.C. 407; Wermouth vs. Stamper, 36 C.R.C. 458; Pioneer Express Co. vs. Keller, 33 C.R.C. 571.

It should also be noted that a person who violates an order of the Commission is guilty of a misdemeanor and is punishable by a fine not exceeding \$1000.00, or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. Likewise a patron or other person who aids or abets in the violation of an order of the Commission is guilty of a misdemeanor and is punishable in the same manner.

#### O R D E R

IT IS HEREBY FOUND AS A FACT that Mrs Clara Hill has operated as a Motor Carrier Transportation Agent and without a license so to do as is required by the provisions of Chapter 390, Statutes of 1933.

Based upon the findings herein and the opinion,

IT IS HEREBY ORDERED that Mrs. Clara Hill shall cease and desist, directly or indirectly or by any subterfuge or device from continuing such operation.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission shall cause a certified copy of this decision

to be personally served upon Clara Hill, and that he cause certified copies thereof to be mailed to the District Attorney of the City and County of San Francisco and to the Board of Public Utilities and Transportation of the City of Los Angeles.

The effective date of this order shall be twenty (20) days after the date of service upon respondent, Mrs. Clara Hill.

Dated at San Francisco, California, this 19<sup>th</sup> Day of Mar., 1934.

CC Leary  
Leon White  
M. J. Lee  
M. B. Harris  
M. J. Harris  
Commissioners.