

Decision No. 26878

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the  
Commission's own motion into the business  
and operation of KEITH MEANY as a motor  
carrier transportation agent.

Case No. 3735.

ORIGINAL

H. C. Lucas and Orla St. Clair, by Orla St. Clair,  
for Pacific Greyhound Lines, Inc.  
Orla St. Clair for Motor Carriers Association,  
Robt. Brennan and Wm. F. Brooks, by Wm. F. Brooks,  
for The Atchison, Topeka & Santa Fe Ry Co.  
A. S. Groocox for the Board of Public Utilities &  
Transportation, City of Los Angeles,  
L. B. Spaeth for Better Business Bureau of L.A.

BY THE COMMISSION:

OPINION

This is an investigation, on the Commission's own motion, into the business and operation of Keith Meany as a Motor Carrier Transportation Agent.

A public hearing on this investigation was conducted by Examiner Handford at Los Angeles, the matter was duly submitted and it is now ready for decision.

N. E. Robotham, an inspector employed by this Commission, testified that on October 23, 1933, he went to the San Carlos Hotel in Los Angeles and found the respondent in charge of the travel bureau. Arrangements were negotiated for transportation, Los Angeles to San Francisco. Witness

saw sign advertising travel service in the window of the hotel and was told by respondent that he was operating the travel bureau for his sister. Two business cards were secured by witness from the travel bureau desk, one being the card advertising the McDaniel Travel Service.

Miss Wilkinson, an employe of the Better Business Bureau of Los Angeles, testified that she went to the King Edward Hotel in Los Angeles on January 4, 1934, and was directed to the mezzanine floor where respondent was in charge of a travel bureau. This witness found reservation being made by a police officer, Los Angeles to San Francisco, and the respondent called at an address on Vermont Avenue, Los Angeles, for the passengers who paid \$5.00 each for the trip, Los Angeles to San Francisco. This witness also testified that she saw sign in the window of the hotel advertising travel services.

H. F. Bassett, a police officer of Los Angeles and an inspector for the Board of Public Utilities and Transportation of the City of Los Angeles, testified regarding his arrest of respondent on January 4, 1934, for illegal transportation of passengers and that marked money was found on respondent, same having been a portion of the money paid as fare by passengers from the Vermont Avenue address above referred to by a previous witness.

The record herein is clear that the respondent Keith Meany has acted as a Motor Carrier Transportation Agent and without a license so to do as required by the provisions of Chapter 390, Statutes of 1933.

A cease and desist order should issue herein.

An order of this Commission finding an operation to be illegal 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. 1218; Motor Freight Terminal Company v. Bray, 37 C.R.C. 224; re Ball and Hayes, 37 C.R.C. 407; Wermuth v. Stamper, 36 C.R.C. 458; Pioneer Express Company v. 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 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 THAT Keith Meany has operated as a Motor Carrier Transportation Agent without a license so to do as is required by the provisions of Chapter 390, Statutes of 1933.

Based upon the finding herein and the opinion,

IT IS HEREBY ORDERED that Keith Meany shall immediately 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 Keith Meany, and that he cause certified copies to be mailed to the District Attorney of Los Angeles County 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, Keith Meany.

Dated at San Francisco, California, this <sup>19th</sup>~~20th~~ day of March, 1934.

C. L. Leary  
Leon White  
M. J. Lee  
M. B. Harney  
M. J. Harney  
Commissioners.