

Decision No. 26879

ORIGINAL

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 operations of MRS. EDWARD) Case No. 3737.
J. KEENAN as a Motor Carrier Trans-)
portation Agent.)

Mrs. Edward J. Keenan in propria persona.
H. C. Lucas and Orla St. Clair, by Orla St. Clair,
for Pacific Greyhound Lines.
Orla St. Clair for Motor Carriers Association.
Robert Brennan and Wm. F. Brooks, by Wm. F. Brooks,
for The Atchison, Topeka & Santa Fe Railway
Company.
A. S. Groocox for Board of Public Utilities and
Transportation of the City of Los Angeles.
L. B. Spaeth for the Better Business Bureau of Los
Angeles.

BY THE COMMISSION:

O P I N I O N

This is an investigation, on the Commission's own
motion, into the business and operations of Mrs. Edward J.
Keenan as a Motor Carrier Transportation Agent.

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

C. E. Johnson, a resident of San Bernardino, testified
that as an employe of the Motor Carrier Association he went to
the Mercer Hotel on Saturday, December 16, 1933. On the next day
he had a conversation with respondent regarding transportation.
Witness was advised as to the schedule for automobile transporta-
tion Los Angeles to San Francisco and was told that the fare
would be \$5.00. No definite arrangement was made as witness was
awaiting the arrival of another party who was to accompany him
on the trip. On the next day (Monday) witness, together with a

Mr. Vernon, again had conversation with the respondent at the desk of the Mercer Hotel and was introduced to a man called "Sam". After some wait both prospective passengers were escorted to the rear of the hotel and the fare of two five dollar bills was collected and passengers were taken to a large Cadillac sedan which contained three boys in the rear seat. The automobile was then driven to the Stillwell Hotel, then to the rear of the Rosslyn Hotel, then to the rear of the King Edward Hotel, at which point a fare was collected from one of the other passengers. The car then started on its trip going through the Third Street Tunnel and proceeded to an oil station at Third and Beaudry Streets, Los Angeles. At this point car was stopped by a police officer of the City of Los Angeles.

Leroy Vernon, a member of the police department of the City of Los Angeles, testified that on December 18, 1933, he went to the Mercer Hotel in Los Angeles and there met Mr. Johnson, (the previous witness). This witness was present during the conversation between Mr. Johnson and the defendant, and this witness paid the amount of \$10.00 as automobile fare between Los Angeles and San Francisco. Witness corroborated the testimony of Mr. Johnson, the former witness, as to the trip in Los Angeles from the time of departure from the Mercer Hotel until the car was stopped at the oil station at Third and Beaudry Streets.

N. E. Robotham, an Inspector employed by this Commission, testified that late in November, 1933, he investigated the location of the respondent at the Mercer Hotel, Los Angeles, his attention having been directed to an advertisement in the Travel Opportunities classified advertising column of the News Pilot as published in San Pedro, California, on November 28, 1933, and reading as follows:

"SEDAN TRAVEL SERVICE
San Francisco- Twice Daily
1347 So. Hill St., Los Angeles, Phone At.9322".

Witness went to the Mercer Hotel and was accompanied by Inspector Powell of the Los Angeles Police Department. Witness interviewed a man at the desk of the hotel, but secured no information regarding the advertisement which was responsible for his visit.

On January 22, 1934, witness phoned the Mercer Hotel, calling Atlantic 9322, and was told that a bus would leave for San Francisco at 5:30 P.M. Witness presented a card in evidence, which card was secured in the Statler Hotel at San Francisco. This business card advertised "Sedan Travel Service twice daily" and gives as the Los Angeles address "Mercer Hotel, 1347 South Hill St." (Exhibit No. 3).

Mrs. Edward J. Keenan, respondent herein, testified that she was manager of the Mercer Hotel at Los Angeles and was so employed on a salary. This witness claims to have nothing to do with the sale of automobile or other transportation and that she has never accepted any money or used tickets for such transportation. This witness testified that several drivers of automobiles are guests of her hotel and although she claims to have no connection with them in the transportation business she knows that they have license plates as secured from the State Board of Equalization and knows no reason why this operation is questioned. The license plates as furnished by and secured from the State Board of Equalization are furnished by said Board in compliance with a statutory

law and said law is, in relation to the state tax, required from private car operators or freight or passenger traffic. Under other effective statutes of this state and the regulations of this Commission the sale of transportation, or any arrangement for same is not governed by the license plates issued to car owners by the State Board of Equalization, but other existing laws and the regulation of this Commission arising from such laws must be complied with.

We have carefully considered the record in this proceeding. It does not appear therefrom that the respondent herein has actually sold any tickets covering automobile transportation. It does appear, however, that respondent has discussed the matter of automobile transportation with the public and with guests of her hotel and has recommended the use of automobile service as operated by persons who may also be guests of the hotel and who have used the hotel and its facilities as a Los Angeles terminal for these operations. These discussions and recommendations place the respondent in the position of violating the provisions of Chapter 390, Statutes of 1933, and should no longer be engaged in.

An order to cease and desist should herein issue.

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; Wernuth v. Stemper, 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 and 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 Mrs. Edward J. Keenan has acted 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 finding herein and the opinion,

IT IS HEREBY ORDERED that Mrs. Edward J. Keenan 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 Mrs. Edward J. Keenan and that he cause certified copies thereof to be mailed to

the District Attorney of the County of Los Angeles 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. Edward J. Keenan.

Dated at San Francisco, California, this 20th day
1934
of March, 1934.

W. C. Leary
Leon Whitely
W. A. Lee
M. B. Harris
M. H. Moore
Commissioners.