

Decision No. 23881

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
MRS. GEORGIA JONES as a motor carrier
transportation agent.

} Case No. 3743. ORIGINAL

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 Ry. Co.
A. S. Groocox for Board of Public Utilities and
Transportation of the City of Los Angeles.
L. B. Spaeth for 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. Georgia Jones 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 is now ready for decision.

Miss A. B. Wilkinson, an employee of the Better Business Bureau of Los Angeles, testified that on October 20, 1933, she accompanied an inspector of this Commission to the respondent's office on Towne Avenue, Los Angeles. This witness asked for and received information regarding a proposed trip, Los Angeles to Salt Lake. Witness also testified as to signs advertising travel service which she found at the location on Towne Avenue. A business card of the travel bureau was also obtained on this visit (Exhibit No. 1).

N. H. Robotham, an inspector for this Commission, accompanied the previous witness on her visit to the Towne Avenue office of the respondent on October 20, 1933, and saw the advertising sign above referred to. This witness presented a form of ticket as

sold by respondent (Exhibit No.3).

A. S. Groocox, Motor Vehicle Inspector for the Board of Public Utilities and Transportation of the City of Los Angeles, testified that he has received complaints from passengers who were routed from Los Angeles to El Paso and were left at Riverside, California. This witness introduced three receipts for transportation, Los Angeles to El Paso (Exhibit No.4).

Mrs. Georgia Jones, respondent herein, testified that she had operated a travel bureau on Towne Avenue in Los Angeles and identified the receipts for tickets sold which are in evidence herein. Respondent claims to be no longer in the business of a Motor Carrier Transportation Agent and that she has sold her interest in such business and discontinued same.

We have carefully considered the record in this proceeding. It appears that the respondent, Mrs. Georgia Jones, has been engaged in the business of a Motor Carrier Transportation Agent and without a license therefor, as required by the provisions of Chapter 390, Statutes of 1933.

An order to cease and desist such operation should be issued.

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., or he may be imprisoned for five (5) days, or both. CCP Sec. 1218; Motor Freight Terminal Co. vs. Bray, 37 CRC 224; re Ball and Hays, 37 CRC 407; Wermuth vs. Stamper, 36 CRC 458; Pioneer Express Co. vs. Keller, 33 CRC 571.

It should also be noted that under Sec. 8 of the Auto Truck Transportation Act (Statutes 1917, Chap. 213, as amended), a person who violates an order of the Commission is guilty of a misdemeanor and is punishable by a fine not exceeding \$1000., or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Likewise a shipper 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 AS A FACT that Mrs. Georgia Jones 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 finding herein and the opinion which precedes this order,

IT IS HEREBY ORDERED that Mrs. Georgia Jones 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 served upon Mrs. Georgia Jones, 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.

Dated at San Francisco, California, this 19th day of February, 1934.

Wm.
C. C. Leary
Leon Whiteley
W. A. Lee
W. B. Harris
W. H. Harris
Commissioners.