

Decision No. 28897

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
CERTIFICATED HIGHWAY CARRIERS, INC., )

Complainant, )

vs. )

GEORGE RINGWALD, )

Defendant. )

Case No. 3660

ORIGINAL

Lewis A. Clark, for Complainant,

George Ringwald, in propria persona.

BY THE COMMISSION -

O P I N I O N

By complaint filed on August 16, 1933, complainant, Certificated Highway Carriers, Inc., charges George Ringwald with unlawful common carrier operations by auto truck between Los Angeles and Blythe, California, and serving also as intermediate points various cities, points and communities and other points enroute.

Defendant denies all of the allegations contained in said complaint.

Public hearings on said complaint were held before Examiner Satterwhite at Blythe and Los Angeles, the matter was duly submitted and is now ready for decision.

The facts developed at the hearing may be summarized briefly as follows:

For about two years last past defendant has regularly operated a truck and semi-trailer between Blythe, Los Angeles and intermediate points on a bi-weekly schedule. He has entered into arrangements with approximately twelve merchants at Blythe to purchase fresh fruits, vegetables, produce, groceries, dry goods, hardware, farming implements and other

commodities, and transports said commodities from the wholesale houses at Los Angeles and adjacent points to the store door of the merchants at Blythe. The price to be paid by the merchants for the goods is determined by the prices shown in the catalogue issued by the wholesale houses, and to this price is added a varying charge sufficient to compensate defendant for the cost of transportation. It is apparent from this record that the purchase of commodities is an accommodation to merchants and is incidental to defendant's main business of transportation. Defendant's method of operation is not materially different from that condemned by the Commission as unlawful in Sacramento Northern Railway vs. Dickinson, Case No.3394, Decision No.25907.

A cease and desist order should 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 \$500.00, or he may be imprisoned for five (5) days, or both. C.C.P. Sec. 1218; Motor Freight Terminal Co. 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 under Section 8 of the Auto Truck Act (Statutes 1917, Chapter 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 \$1000.00, 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 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 George Ringwald is operating as a transportation company as defined in Section 1, Subdivision (c) of the Auto Truck Act (Chapter 213, Statutes 1917, as amended), with common carrier status between Blythe and Los Angeles and intermediate points and without a certificate of public convenience and necessity or prior right authorizing such operations.

Based upon the finding herein and the opinion,

IT IS HEREBY ORDERED that George Ringwald shall cease and desist directly or indirectly or by any subterfuge or device from continuing such operations.

IT IS HEREBY FURTHER ORDERED that the Secretary of this Commission shall cause a certified copy of this decision to be personally served upon George Ringwald; that he cause certified copies thereof to be mailed to the District Attorneys of Los Angeles, Orange and Riverside counties, to the Board of Public Utilities and Transportation of the City of Los Angeles and to the Department of Public Works, Division of Highways, at Sacramento.

The effective date of this order shall be twenty (20) days after the date of service upon defendant.

Dated at San Francisco, California, this 16<sup>th</sup> day of March, 1934.

Leon O'Connell

M. A. Carr

M. B. Harris

3. Nathaniel  
COMMISSIONERS.