

Decision No. 26941.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of RICHARD HUGHES ROBINSON for  
a Motor Carrier Transportation  
Agent's license.

Application No. 19203.

In the Matter of the Investigation  
on the Commission's own Motion into  
the business and operation of RICH-  
ARD HUGHES ROBINSON as a Motor Car-  
rier Transportation Agent.

Case No. 3750.

**ORIGINAL**

E. 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 and Santa Fe Railway  
Company.  
A. F. Groocox for Board of Public Utilities and  
Transportation of the City of Los Angeles.  
Richard Hughes Robinson in propria persona, appli-  
cant and respondent.  
L. B. Spaeth for Better Business Bureau of Los  
Angeles.

BY THE COMMISSION:

O P I N I O N

Richard Hughes Robinson has applied to the Railroad Com-  
mission for a license as a Motor Carrier Transportation Agent, in  
accordance with the requirements of Chapter 390, Statutes of 1933.

The Railroad Commission, upon its own motion, has insti-  
tuted an investigation into the business and operations of Richard  
Hughes Robinson as a Motor Carrier Transportation Agent.

A public hearing on this application and on the investi-

gation was conducted by Examiner Handford at Los Angeles, the matters were duly consolidated for the receipt of evidence and for decision, the proceedings were duly submitted and the combined matters are now ready for decision.

Miss A. D. Wilkinson, an employee of the Better Business Bureau of Los Angeles, testified that on November 1, 1933, she went to the Angelus Hotel seeking transportation to San Francisco. She conversed with respondent, was furnished information and quoted a rate of \$5.00 for passage Los Angeles to San Francisco.

N. E. Robotham, employed as bus inspector for this Commission, testified that he accompanied this witness on her visit to the Angelus Hotel on November 1, 1933. This witness saw a sign near the entrance to the Angelus Hotel advertising an uncertificated sedan service to San Francisco for the sum of \$5.00.

R. E. Robinson, respondent herein, testified that he had operated the cigar stand at the Angelus Hotel since September 25, 1933, and that he had given information to parties desiring information since that time. The respondent claims not to have sold tickets or collected any money from patrons but to have turned his passengers over to drivers of cars, principally to a Mr. Nichols, who was interested in the operation of the cigar store prior to his taking charge of same. However, it was testified by E. F. Bassett, motor vehicle inspector for the Board of Public Utilities and Transportation of the City of Los Angeles, that Max Green, a manager of the Nevins Lines, had paid commissions to respondent for agency services.

We have carefully considered the record in these proceedings. It appears that the respondent has paid no attention to repeated warnings of inspectors of this Commission and of the Board of Public Utilities and Transportation of the City of Los Angeles as regards his unlawful operations and violations of Chapter 390,

Statutes of 1933. No Motor Carrier Transportation Agent's license has ever been issued to respondent. An order to cease and desist this unlawful operation will issue and the Commission is of the opinion that a license as now applied for should be denied, as the respondent by his prior action has shown no disposition to comply with the provisions of the statutory law.

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. If 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. C.C.P. Sec. 1218; Motor Freight Terminal Co. vs. Bray, 37 C.R.C. 224; re Ball and Hayes, 37 C.R.C. 407; Wermuth vs. Stamper, 36 C.R.C. 458; Pioneer Express Co. vs. Keller, 33 C.R.C. 571.

It should also be noted that under Section 8 of the Auto Truck Transportation 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 \$1,000, 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

A public hearing having been held on the above entitled proceedings, the matters having been duly consolidated and submitted, and the Commission being now fully advised,

IT IS HEREBY FOUND that Richard Hughes Robinson is operating as a Motor Carrier Transportation Agent without a license so to do as is provided by Chapter 390, Statutes of 1933.

Based upon the findings herein and the opinion which precedes this order,

IT IS HEREBY ORDERED that Richard Hughes Robinson 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 the said Richard Hughes Robinson, and that he cause certified copies thereof 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.

IT IS HEREBY FURTHER ORDERED that the application of Richard Hughes Robinson for a Motor Carrier Transportation Agent's license be and the same is hereby denied.

The effective date of this order shall be twenty (20) days after the date of personal service upon the respondent, Richard Hughes Robinson.

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

W. C. Lawrence  
Leon J. Sullivan  
M. J. L.  
M. B. Lanning  
W. H. Lanning  
Commissioners.