

conversed with respondent who admitted to him that he had no license to act as a Motor Carrier Transportation Agent. On January 23, 1934, this witness telephoned to the Lamm Hotel, Los Angeles and arranged for transportation, Los Angeles to San Francisco.

H. F. Gilmore, respondent herein, testified that he resided at and was manager of the Lamm Hotel, Los Angeles. This witness identified a pencil memorandum as one having been given to witness Robotham on one of his visits to the hotel.

The record herein is clear that respondent, H. F. Gilmore 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.

An order to cease and desist such unlawful operation should issue herein.

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 Company 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 Company vs. 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 H. F. Gilmore 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 H.F.Gilmore 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 H.F.Gilmore 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.

The effective date of this order shall be twenty (20) days after the date of service upon the respondent, H.F.Gilmore.

Dated at San Francisco, California, this 16th day of April 1934.

Leon Whitley
M. B. Harris
Commissioners.