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Decision No. 26955

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 H. J.
BROWN as a Motor Carrier Transporta-
tion Agent.

Case No. 3745.

- H. J. Brown, 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.
- Robt. Brennan and Wm. F. Brooks, by Wm. F. Brooks,
for The Atchison, Topeka and Santa Fe Railway
Company.
- A. S. Groocox, for Board of Public Utilities of
the City of Los Angeles.
- L. B. Spaeth, for Better Business Bureau.

BY THE COMMISSION:

O P I N I O N

This is an investigation upon the Commission's own mo-
tion into the business and operations of H. J. Brown as a Motor
Carrier Transportation Agent.

A public hearing on this investigation was held before
Examiner Handford at Los Angeles, the matter was duly submitted
and is now ready for decision.

The record in this proceeding showed that Miss A. B.
Wilkinson, employed by the Better Business Bureau of Los Angeles,
testified that on October 20, 1933, she visited the Valdemar Ho-
tel, 606 South Hope Street, Los Angeles, to obtain transportation
from Los Angeles to San Francisco. She talked with respondent,
who quoted her a rate of \$5.00 from Los Angeles to San Francisco,

in the presence of an inspector of this Commission. From respondent's own testimony the evidence shows that he has been in the stage business for a number of years and more recently connected with uncertificated operations.

The record is clear that respondent has held himself out to the public as a Motor Carrier Transportation Agent and without any license so to do as required by the provisions of Chapter 390, Statutes of 1933.

A cease and desist order 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, 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. 452; Pioneer Express Company vs. Koller, 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 \$1,000, 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

A public hearing having been held on the above entitled investigation, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY FOUND that H. J. Brown is operating as a Motor Carrier Transportation Agent and without a license so to do as required by the provisions of Chapter 320, Statutes of 1933.

Based upon the finding herein and the opinion,

IT IS HEREBY ORDERED that H. J. Brown 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 H. J. Brown, 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 of this order upon respondent, H. J. Brown.

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

W. A. L.
Leon Williams
W. A. L.
M. B. Lewis
W. A. L.
Commissioners.