

ORIGINAL

Decision No. 27085.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
upon the Commission's own motion)
into the business and operation of) Case No. 3733.
EARL MIELENZ as a Motor Carrier)
Transportation Agent.)

Earl Mielenz, in propria persona, respondent.
H. 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.
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 Earl Mielenz 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.

Respondent appeared in person and admitted he was conducting a travel bureau and acting as a Motor Carrier Transportation Agent without having first obtained a license so to do as is required by 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, 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 \$1,000, 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 this Commission is guilty of a misdemeanor and is punishable in the same manner.

O R D E R

IT IS HEREBY FOUND that Earl Mielenz has operated as a Motor Carrier Transportation Agent and without a license so to do as required by the provisions of Chapter 390, Statutes of 1933.

Based upon the finding herein and the opinion,

IT IS HEREBY ORDERED that Earl Mielenz 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 Earl Mielenz and 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, Earl Mielenz.

Dated at San Francisco, California, this 21st day of May, 1934.

O. L. Leary
Leon Whisler
M. A. ...
M. B. ...
...
Commissioners.