

Decision No. 27067

ORIGINAL

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 ARTHUR L. SCOTT, as a) Case No. 3738
Motor Carrier Transportation Agent.)

H. C. Lucas and Orla St. Clair, by Orla St. Clair,
for Pacific Greyhound Lines, Inc.
Orla St. Clair for Motor Carriers' Association.
Robert Breannan and Wm. F. Brooks, by Wm. F.
Brooks, for The Atchison, Topeka & Santa Fe
Railway Company.
Gerald J. O'Gara, Howard Day and Orla St. Clair,
for Better Business Bureau of San Francisco.
Chaffee Hall, for A. L. Scott, respondent.

BY THE COMMISSION -

ORIGINAL

OPINION

This is an investigation on the Commission's own motion into the business and operations of Arthur L. Scott as a Motor Carrier Transportation Agent.

Public hearings on this investigation were conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

The respondent appeared and admitted violating Chapter 390, Statutes of 1933. From the record in this proceeding it is clear that respondent has acted as a Motor Carrier Transportation Agent.

An order to cease and desist should be issued 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 \$300, 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 party 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 the Commission is guilty of a misdemeanor and is punishable in the same manner.

O R D E R

IT IS HEREBY FOUND that Arthur L. Scott 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.

Based upon the finding herein and the opinion,

IT IS HEREBY ORDERED that Arthur L. Scott 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 Arthur L. Scott, and that he cause a certified copy thereof to be mailed to the District Attorney of the City and County of San Francisco.

The effective date of this order shall be twenty (20) days after the date of service upon respondent, Arthur L. Scott.

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

C. C. Seavey
Leon A. Whalley
M. J. Am
M. B. Harris
Nathaniel
COMMISSIONERS.