

Decision No. 134723

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
on the Commission's own motion, into)
the operations, rates, charges, con-)
tracts and practices of WILLIAM HANSON,) Case No. 4550.
an individual doing business as)
HANSON TRANSFER.)

ORIGINAL

William Hanson, in propria persona

BY THE COMMISSION:

O P I N I O N

This proceeding was instituted by the Commission on its own motion to investigate the transportation of uncrated household goods and personal effects performed on certain days specified in the order instituting investigation, by William Hanson, an individual doing business as Hanson Transfer (hereinafter sometimes referred to as respondent), as a carrier, at rates less than the minimum rates prescribed by the Railroad Commission, and to determine whether said respondent issued to any shipper a freight bill which

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- (1) September 30, 1939 - From, at or near 2109 Pasadena Avenue, to, at or near 534 West Avenue 26, Los Angeles.
September 26, 1939 - From, at or near 4020 Degnan Boulevard, to, at or near 1909 North Broadway, Los Angeles.
September 13, 1939 - From, at or near 3127 Baldwin Street, to, at or near 2247 Sichel Street, Los Angeles.
- (2) Defined in Section 1-(f) of City Carriers' Act (Chap. 312, Stats. 1935, as amended)
- (3) Decision No. 29891, Case No. 4086, as modified and amended by Decision No. 30482, in Case No. 4086.

failed to substantially comply with the form prescribed and established by said Railroad Commission.⁽⁴⁾

Public hearing in this matter was held at Los Angeles on October 27th, 1940, before Examiner Cameron, at which time respondent appeared personally, the matter was submitted and the same is now ready for decision.

The record establishes without conflict that respondent was engaged in the transportation business as a carrier, as that term is defined in the City Carriers' Act, at all times mentioned in the order instituting investigation and particularly on September 30, 1939 and July 9, 1940.

Witness Victoria Cludy testified that she employed respondent to transport certain used household goods and personal effects from 2109 Pasadena Avenue to 534 West Avenue 26, both addresses in the City of Los Angeles, and that respondent performed said transportation service on September 30, 1939, for which Mrs. Cludy paid said respondent the sum of \$15.25 in full for said service. Respondent issued a receipt⁽⁵⁾ to Mrs. Cludy in the amount of \$16.00. Harry Rosenthal, Commission Inspector, testified that he witnessed the transportation service performed by respondent on September 30, 1939, and that respondent made three trips in transporting said uncrated household goods and personal effects. That respondent commenced loading the first load at 7:00 A.M. with the aid of two helpers and that said service was rendered continuously to 11:05 A.M. on said day, at which time the last load was completed. Four hours and 5 minutes were required to complete said transportation

(4) Decision No. 29891, Appendix "B" thereof.
Decision No. 32325, Appendix "B" thereof.

(5) Exhibit No. 8.

service. Inspector Rosenthal measured the truck used in transporting said shipment and stated that it contained a loading area of less than 90 square feet. (6)

The minimum rate established by the Commission pursuant to said aforementioned decisions is \$4.50 per hour, or a total charge of \$12.00 for the service performed by respondent. Respondent performed said service at a \$2.75 undercharge.

The evidence further shows that the freight bill issued by respondent on September 30, 1939, covering the transportation service as above set out did not substantially comply with the form proscribed and established by order of the Commission.

The record shows that respondent was served with proper notice of the hearing in which the Commission issued its decision establishing minimum rates, rules and regulations, including the form of freight bill to be issued to shippers and was properly served with the Commission's decisions.

At the conclusion of the testimony respondent was instructed that he could submit any evidence he desired that would establish a defense. However, respondent refused to offer any evidence in explanation or justification of his conduct of September 30, 1939. Respondent's permit should accordingly be suspended and he should be directed to desist from operating as a city carrier during the period of suspension.

The evidence failed to establish that respondent performed any service on September 13 or 26, 1939, and the investigation as to these days should be dismissed.

(6) Exhibit No. 10.

An order of the Commission directing the suspension of an operation is in its effect not unlike an injunction 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.

CCP. Sec. 1218;
Motor Freight Terminal Co. v. Bray, 37 C.R.C. 224;
Re Ball & Hayes, 37 C.R.C. 407;
Wermuth v. Stambor, 38 C.R.C. 458;
Pioneer Express Company v. Keller, 33 C.R.C. 571.

It should also be noted that under Section 13 of the City Carriers' Act (Stats. 1935, Chap. 312, as amended), one who violates an order of the Commission is guilty of a misdemeanor and is punishable by a fine not exceeding \$500.00, or by imprisonment in the county jail not exceeding three (3) months, or by both such fine and imprisonment.

Upon full consideration of all the facts of record, it is hereby found that respondent, William Hanson, doing business under the fictitious name of Hanson Transfer, has engaged in the transportation of property for hire as a business over the public highways in the City of Los Angeles, State of California, by means of a motor vehicle as a carrier, as defined in Section 1-(f) of the City Carriers' Act, and in the course of said business has transported uncrated household goods and personal effects as more particularly described in the foregoing opinion, at rates less than the minimum rates established therefor by the Commission, and issued a freight bill evidencing said transportation service

which did not substantially comply in the form prescribed and established by order of said Commission.

O R D E R

Public hearing having been held herein, evidence having been received, the matter having been submitted and the Commission now being fully advised in the premises,

IT IS HEREBY ORDERED that WILLIAM HANSON, he and he is hereby directed to immediately cease and desist and thereafter abstain, directly or indirectly, or by any subterfuge or device, from charging or collecting any rate or rates less than the minimum rates therefor, established by the Commission in its Decision No. 29891 in Case No. 4086, as modified and amended by Decision No. 30482 in said Case No. 4086, for the transportation of property for compensation or hire by means of a motor vehicle over the public highways in any city or city and county in this State, as a carrier as defined in the City Carriers' Act (Stats. 1935, Chap. 312, as amended).

IT IS HEREBY FURTHER ORDERED that WILLIAM HANSON be and he is hereby directed to immediately cease and desist and thereafter abstain, directly or indirectly, or by any subterfuge or device, from issuing freight bills to any shipper or shippers which fail to substantially comply in the form prescribed and established by order of the Railroad Commission in and by Appendix "B" of Decisions Nos. 29891 and 32325, in the transportation of property for compensation or hire by means of a motor vehicle over the public highways in any city or city and county in this State, as a carrier as defined in the City Carriers' Act (Stats. 1935, Chap. 312, as amended).

IT IS HEREBY FURTHER ORDERED that City Carrier's Permit No. 19-4107, issued to and held by said respondent, WILLIAM HANSON, be and the same is hereby suspended for a period of 10 days; that said 10 day period of suspension shall commence on the 20th day of *January*, 1944, and continue to the 29th day of *January*, 1944 both dates inclusive, if service of this order shall have been made upon said respondent more than 20 days prior to the 20th day of *January*, 1944, otherwise said 10 day suspension shall commence on the effective date of this order and continue for a period of days thereafter.

IT IS HEREBY FURTHER ORDERED that during said period of suspension said respondent, WILLIAM HANSON, shall desist and abstain from engaging in the transportation of property as a carrier, as defined in the City Carriers' Act (Stats. 1935, Chap. 312, as amended), for compensation or hire as a business over any public highway in this State by means of a motor vehicle or motor vehicles and from performing any transportation service as said carrier.

IT IS HEREBY FURTHER ORDERED that the Secretary of the Commission shall cause a certified copy of this decision to be served upon said respondent.

IT IS HEREBY FURTHER ORDERED that for all other purposes the effective date of this order shall be twenty (20) days from and after the service hereof upon said respondent.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission

of the State of California.

Dated at San Francisco, California, this 10th day of
December, 1940.

Ray & Riley
Frank M. Riley
Attorneys
Thomas J. Curran