

ORIGINAL

Decision No. 52095

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TILLIE ROLLAND, doing business
as RON ROB INN,

Plaintiff

vs.

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,

Defendant.

Case No. 5672

Dermot R. Long for complainant.

Fillsbury, Madison & Sutro, and Lawler, Felix
& Hall, by L. B. Conant, for defendant.

O P I N I O N

The complaint, filed on August 17, 1955, alleges that plaintiff, Tillie Rolland, is, and in June, 1954, was, doing business as Ron Rob Inn at 3668 West Slauson Boulevard (sic), Los Angeles, California; that in June, 1954, she employed a bartender who was arrested on the charge of bookmaking; that upon notification by the Sheriff's Office, her telephone was removed from the premises; that the bartender was acquitted of the bookmaking charge; that the plaintiff and her employees are not and never have been engaged in bookmaking or any other illegal activities, nor have they at any time aided or abetted anyone in any illegal activities; that as a result of the removal of the telephone from the plaintiff's premises, she has suffered injury

to her reputation and business enterprise; and that the telephone facilities are necessary to the business.

On August 23, 1955, by Decision No. 51850, in Case No. 5672, this Commission issued an order directing the telephone company to restore service to complainant pending a hearing on the matter.

On August 31, 1955, the telephone company filed an answer, the principal allegation of which was that pursuant to Decision No. 41415, dated April 6, 1948, in Case No. 4930 (47 Cal. P.U.C. 853) defendant, on or about June 23, 1954, had reasonable cause to believe that the telephone service furnished by defendant to plaintiff at 3668 West Slauson Avenue in the County of Los Angeles, California, was being or was to be used as an instrumentality directly or indirectly to violate or to aid and abet the violation of the law.

A public hearing was held in Los Angeles before Examiner Kent C. Rogers on September 23, 1955, at which time evidence was presented and the matter was submitted. It is now ready for decision.

The complainant testified that she owns and operates the Ron Rob Inn at 3668 West Slauson Avenue, in the County of Los Angeles; that in June, 1954, she had a bartender, named James Raymond Scothorn, working at the inn; that one day in June, 1954, while she was at home, she was advised by telephone by a policeman that Scothorn had been arrested for bookmaking in the inn. She further testified that Scothorn was acquitted and has never been back on the premises since his arrest; that the telephone was removed at about the time of the arrest but has been reinstalled; and that she has never used, nor permitted any one else to use the premises or telephone for illegal purposes.

A Los Angeles County deputy sheriff testified that on June 17, 1954, he and his partner, both assigned to the vice detail, went to the Ron Rob Inn at 3668 West Slauson Avenue at about 1 p.m.; that they sat at the bar and, after a conversation with Scothorn, informed him they would like to bet; that Scothorn was given a four-dollar bet on a particular horse running at Hollywood Park that day; that Scothorn wrote the bet on a paper napkin, accepted the four dollars, talked on the telephone and informed the officers that he had placed the bet. The deputy further testified that he and his partner remained on the premises until about 4 p.m.; that at that time they advised Scothorn they desired to bet two dollars on another horse running that day at Hollywood Park; that Scothorn took the same paper napkin from his pocket and registered the bet and accepted the two dollars. At that time, the witness said, Scothorn was placed under arrest. The officer said Scothorn stated he was working for Tillie, and that he had been working at the Ron Rob Inn about three days. Later on the same day, Scothorn stated that he was taking the bets for himself, and not for Tillie. The witness further testified that Scothorn was tried and acquitted of the charge of bookmaking; that he has been to the premises subsequent to the arrest and has not seen Scothorn; and that the officers kept the premises under observation for about two weeks but found no further evidence of bookmaking. The officers did not remove the telephone from the premises at the time of the arrest.

Exhibit No. 1 is a copy of a letter from the Sheriff of Los Angeles County to the telephone company requesting that the telephone facilities be disconnected. A supervising special agent of the telephone company testified that this letter was received on June 22, 1955, and a central office disconnection was effected pursuant to that request. The position of the telephone company was that it had acted with reasonable cause in disconnecting the telephone service inasmuch as it had received the letter designated as Exhibit No. 1.

After consideration of this record, we now find that the telephone company's action was based upon reasonable cause, as that term is used in Decision No. 41115 referred to supra. We further find that there is no evidence that complainant was engaged in, was directly connected with, or permitted the telephone facilities to be used for bookmaking activities. Therefore, the complainant is now entitled to restoration of telephone service.

O R D E R

The complaint of Tillie Rolland against The Pacific Telephone and Telegraph Company, a corporation, having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises and basing its decision on the evidence of record and the findings herein,

IT IS ORDERED that the order of the Commission in Decision No. 51850, dated August 23, 1955, temporarily restoring telephone service to the complainant, be made permanent, such

restoration being subject to all duly authorized rules and regulations of the telephone company and to the existing applicable law:

The effective date of this order shall be twenty days after the date hereof:

Dated at San Francisco, California,
this 18th day of October, 1955:

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners