

ORIGINAL

62094

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
rates and practices of MARIE DAVI,
doing business as DAVI BROS.
TRUCKING.

Case No. 6327

Joseph Davi, for Davi Trucking,
Joseph Davi, respondent.

Sheldon Rosenthal, for the Commission
staff.

O P I N I O N

On February 7, 1961, this Commission issued an order directing Joseph Davi to show cause why his operating authority should not be revoked and no new operating authority granted for a period of four years. This order was the result of Joseph Davi's failure to comply with orders contained in Decision No. 59351.

This Commission, by Decision No. 59351 found that Joseph Davi had violated Sections 3575, 3664, 3667 and 3737 of the Public Utilities Code. Ordering paragraphs 3, 4, 5 and 6 of said decision had, in substance, ordered Joseph Davi to examine the records of Davi Bros. Trucking to ascertain if any additional undercharges had occurred other than those mentioned in said decision; to notify the Commission within ninety days after the effective date of the decision of all undercharges found as a result of the examination; to take appropriate action to collect the undercharges mentioned in the decision and undercharges found as a result of the examination, and in the event these undercharges remained uncollected one hundred twenty days after the effective

date of said decision to notify the Commission by report of undercharges remaining to be collected and to specify the action taken to collect such charges.

Public hearing was held in San Francisco on April 18, 1961, before Examiner Martin J. Porter and the matter was submitted.

Facts

The evidence shows that Case No. 6327 which resulted in Decision No. 59351 had been instituted against Marie Davi, doing business as Davi Bros. Trucking. The Commission found that Marie Davi did not operate the trucking business but had been solely a dummy for her son, Joseph Davi, who, in fact, operated the business on his own behalf.

Marie Davi was directed to transfer the radial highway common carrier permit under which the business was operated to Joseph Davi or the permit would be revoked. Marie Davi did not transfer the permit within the time allowed by the Commission and the permit was revoked February 19, 1960. On March 28, 1960, Radial Highway Common Carrier Permit No. 12-3036 was issued to Joseph Davi, doing business as Davi Trucking.

At the hearing of the order to show cause, Joseph Davi testified that Davi Trucking is the successor to Davi Bros. Trucking; that he owned the equipment used in the trucking operation both under the name of Davi Bros. Trucking and Davi Trucking. He conducted the business and the trucking business was, in fact, his under either name.

It was stipulated that Decision No. 59351 and the order to show cause were received by Joseph Davi.

The staff presented evidence of correspondence and personal contacts with Joseph Davi in an effort to have him comply with the Commission's orders. As of the date of the hearing of

the order to show cause Joseph Davi had not complied with the Commission's orders.

Joseph Davi testified that he had not sent the Commission the reports as ordered and that he had not performed the audit of the carrier's books as ordered.

This Commission has issued no decision which in any way cancels or amends the requirements of the ordering paragraphs of Decision No. 59351.

Upon consideration of the evidence the Commission finds and concludes that Joseph Davi has not complied with this Commission's order and that no excuse for such noncompliance has been shown.

ORDER

Public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED that Radial Highway Common Carrier Permit No. 12-3036 dated March 23, 1960 issued to Joseph Davi is hereby revoked.

The Secretary of the Commission is directed to cause personal service of this order to be made upon Joseph Davi, and this order shall be effective twenty days after the completion of such service upon Joseph Davi.

Dated at San Francisco, California, this 17th day of JUNE, 1961.

[Signature]
President

[Signature]

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Commissioners