

ORIGINAL

Decision No. 81570

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORANGE COAST SIGHTSEEING COMPANY,  
a California corporation,

Complainant,

vs.

LEIGH ZAREMBA dba CONVENTION  
TRANSPORTATION SERVICES,

Defendant.

Case No. 9385  
(Filed May 31, 1972,  
amended February 1, 1973)

James H. Lyons, Attorney at Law, for complainant.  
Gerry Levenberg, Attorney at Law, for defendant.  
Leigh B. Zarembo, for himself, defendant.  
Warren N. Grossman, Attorney at Law, for The Gray  
Line Tours Company, intervenor.

O P I N I O N

By complaint filed on May 31, 1972, as amended by a supplemental complaint filed on February 1, 1973, complainant Orange Coast Sightseeing Company alleges that defendant Leigh Zarembo, doing business as Convention Transportation Services, has been engaged in operations as a passenger stage corporation under Section 1031 of the Public Utilities Code without holding appropriate authority from this Commission. Complainant further alleges that defendant proposes to continue such unlawful activities unless enjoined by this Commission. Complainant seeks issuance of a cease and desist order prohibiting defendant from continuing such course of conduct and for the imposition of sanctions. The Gray Line Tours Company has intervened in support of complainant.

Public hearings were held before Examiner Fraser at Los Angeles on January 18 and April 11, 1973. Just prior to the second hearing, defendant wrote a letter to the Commission dated April 3, 1973, and agreed, without conceding any prior illegal conduct, that a cease and desist order could be entered. The specific terms of the following order have been approved by defendant individually and by his counsel, as well as by complainant and intervenor and their respective counsel. A stipulation which included the cease and desist order formulated by the parties was placed in evidence as Exhibit No. 1 during the second day of hearing.

The Commission finds that the stipulation should be accepted and concludes that a cease and desist order should be issued.

O R D E R

IT IS ORDERED that until defendant holds appropriate authority from this Commission under Section 1031 of the Public Utilities Code, defendant, either directly or through the guise of acting as a tour director for a convention or other organized groups, is hereby ordered to cease and desist from providing or offering per capita transportation in the form of sightseeing tours or per capita transportation to points served by Orange Coast Sightseeing Company and/or The Gray Line Tours Company to the general public or a segment thereof, such as members of a convention or other groups, under circumstances where the risk of profit or loss on such transportation is assumed wholly or in part by the defendant.

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The Secretary is directed to personally serve a certified copy of this order upon the defendant forthwith.

The effective date of this order shall be the date on which defendant is served.

Dated at San Francisco, California, this 3rd day of JULY, 1973.

Vernon L. Sturgeon  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners