

Public Utilities Commission of the State of California

Resolution CE 19-92
 Transportation Division
 November 6, 1992

R E S O L U T I O N

(REVOKING THE DUMP TRUCK PERMIT OF ORLINDO DIAZ AND)
 (DEBORAH JEAN PAYNE DOING BUSINESS AS O & D TRUCKING,)
 (FOR FAILURE TO PROVIDE ACCESS TO, OR ALLOW INSPECTION)
 (OF, RECORDS.)
 ()

WHEREAS, under the provisions of Section 3774(b) of the California Public Utilities Code, the Commission may suspend and revoke the operating authority of any highway carrier for the violation of any provision of the Highway Carriers' Act (Sections 3501-3811 of the California Public Utilities Code);

WHEREAS, Orlindo Diaz and Deborah Jean Payne, doing business as O & D Trucking, operate as a highway carrier by virtue of a Dump truck carrier permit issued on March 20, 1985, amended on May 6, 1985.

WHEREAS, Sections 3705 and 3706 of the Public Utilities Code provide that authorized employees of the Commission shall have access to the records of highway carriers;

WHEREAS, Orlindo Diaz and Deborah Jean Payne violated Sections 3705 and 3706 of the Public Utilities Code by failing to appear and produce their records as requested by an authorized employee of the Commission on June 5, 1992;

WHEREAS, Orlindo Diaz and Deborah Jean Payne violated Sections 3705 and 3706 of the Public Utilities Code by failing to appear and produce their records as requested by an authorized employee of the Commission on June 12, 1992;

WHEREAS, Orlindo Diaz and Deborah Jean Payne violated Sections 3705 and 3706 of the Public Utilities Code by failing to respond to the request for an audit by the Commission's staff on June 23, 1992, except to request a delay in the audit date;

WHEREAS, Orlindo Diaz and Deborah Jean Payne violated Sections 3705 and 3706 of the Public Utilities Code by failing to appear and produce their records as requested by an authorized employee of the Commission on August 24, 1992;

WHEREAS, Orlindo Diaz and Deborah Jean Payne violated Sections 3705 and 3706 of the Public Utilities Code by failing to appear and produce their records as requested by an authorized employee of the Commission on September 11, 1992;

IT IS RESOLVED THAT:

1. The dump truck permit issued to Orlindo Diaz and Deborah Jean Payne be suspended thirty days after the effective date of this order, pursuant to Section 3774 of the Public Utilities Code.

2. The dump truck permit issued to Orlindo Diaz and Deborah Jean Payne be revoked thirty days after the effective date of the suspension ordered in Paragraph (1) above, pursuant to Section 3774 of the Public Utilities Code.

3. The Executive Director reinstate the dump truck permit suspended by Paragraph (1) above upon the advice of the Director of the Commission's Transportation Division that Orlindo Diaz and Deborah Jean Payne have provided access to their records and have, in all other respects, complied with the provisions of the Highway Carriers' Act.

4. The Executive Director may, upon application therefor by Orlindo Diaz and Deborah Jean Payne, reinstate (upon payment of a \$125 reinstatement fee) or reissue (for the payment of the applicable fees) the dump truck permit revoked by Paragraph (2) above only upon the advice of the Transportation Division that the applicant has complied in all respects with Sections 3705 and 3706 of the California Public Utilities Code and all other provisions of the Highway Carrier's Act.

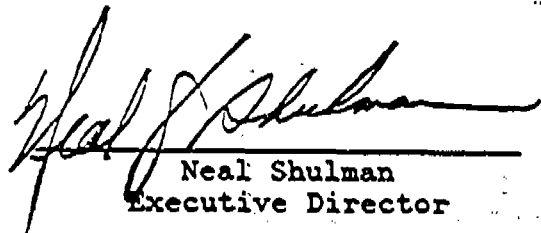
The Executive Director is directed to mail a certified copy of this resolution to Orlindo Diaz and Deborah Jean Payne, doing business as O & D Trucking, at the last address of record.

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This resolution is effective 30 days after the date hereof.

I certify that this resolution was adopted by the Public
Utilities Commission at its conference on NOV 06 1992.

The following Commissioners approved it:



Neal Shulman
Executive Director

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners