

Public Utilities Commission of the State of California

Resolution CE 5-95
Safety and Enforcement Division
July 6, 1995

R E S O L U T I O N

SUSPENDING AND REVOKING THE OPERATING AUTHORITY
OF DOUGLAS C. MOODY, DOING BUSINESS AS DOUGLAS MOODY TRUCKING,
FOR FAILURE TO COMPLY WITH THE TERMS OF A CITATION.

WHEREAS, on October 3, 1984, the Commission approved Resolution No. L-228, adopting a policy for carriers who have operating authorities issued by the Commission and who fail to comply with a citation forfeiture issued by the Safety and Enforcement Division, a policy that allows the Executive Director to recommend suspension and revocation of the authorities for such failure to comply;

WHEREAS, Douglas C. Moody, doing business as Douglas C. Moody Trucking (Moody) holds a Highway Contract Carrier permit issued on March 24, 1993;

WHEREAS, on May 18, 1994, the Transportation Division, predecessor to the Safety and Enforcement Division, served Moody with Citation Forfeiture No. F-4845 for \$1,000.00, which Moody agreed to pay within sixty (60) days with the first payment of \$500.00 due June 20, 1994;

WHEREAS, on August 31, and October 25, 1994, the staff notified Moody that it had received only one payment of \$100.00 (on July 6, 1994) and that a balance of \$900.00 remained unpaid, and warned him of the consequences of his failure to comply with the citation, pursuant to the provisions of Resolution No. L-228;

WHEREAS, on November 21, 1994, Moody contacted the staff and promised that he would send a check for \$900.00 in the next few days, a promise which he did not fulfill;

WHEREAS, contacted by the staff on December 19, 1994, Moody made another payment of \$100.00, and indicated that he could not come up with the rest (\$800.00) until January 3, 1995;

WHEREAS, on January 4, 1995, the staff contacted Moody and left a message, a call which Moody never returned;

WHEREAS, on February 7, Moody contacted the staff and promised to pay, but then sent no payment;

WHEREAS, to date, Moody has an unpaid balance of \$600.00

WHEREAS, Moody has been uncooperative, has ignored the staff's warnings and has not complied with his promises;

WHEREAS, the Safety and Enforcement Division has properly advised Moody of the consequences of his failure to comply with the citation, pursuant to the provisions of Resolution No. L-228; and

WHEREAS, Moody's failure to comply with the citation continues;

IT IS RESOLVED THAT:

1. The operating authority of Douglas C. Moody, doing business as Douglas C. Moody Trucking, is suspended for a period of thirty days, or until the full amount of the citation is paid, during which time he may not operate.

2. If by the end of the 30-day period, Douglas C. Moody Trucking has neither complied with the terms of the citation nor requested a hearing, his operating authority will be automatically revoked.

3. Although a request for a hearing will stay the revocation of the operating authority, absent full payment of the amount of the citation the suspension will remain in force and Douglas C. Moody Trucking may not operate.

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4. During the hearing, Douglas C. Moody will have the burden of showing cause why his operating authority should not be revoked.

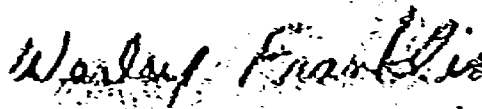
The Executive Director is directed to mail a certified copy of this resolution to:

Douglas C. Moody
DBA: DOUGLAS C. MOODY TRUCKING
5623 Churn Creek Road
Redding, CA 96002

This resolution is effective five days from the date it is signed.

I certify that this resolution was adopted by the Public Utilities Commission at its conference on July 6, 1995.

The following Commissioners approved it:



WESLEY M. FRANKLIN
Acting Executive Director

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners