

Public Utilities Commission of the State of California

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

R E S O L U T I O N

(SUSPENDING AND REVOKING THE OPERATING AUTHORITIES OF)
(BENITA DOMINGUEZ, DOING BUSINESS AS DOMINGUEZ BROS.)
(TRUCKING, FOR FAILURE TO COMPLY WITH THE TERMS OF AN)
(UNDERCHARGE CITATION AND CITATION FORFEITURE.)
()

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 an undercharge citation and/or citation forfeiture issued by the Transportation Division, a policy that allows the Executive Director to recommend suspension and revocation of the authorities for such failure to comply;

WHEREAS, Benita Dominguez (Dominguez) holds three separate operating authorities in file T-165502, originally issued by the Commission in file T-102072;

WHEREAS, on December 12, 1989, the Transportation Division, predecessor to the Safety and Enforcement Division, served Dominguez with Undercharge Citation No. CF-3852A for \$12,728.17 and Citation Forfeiture No. CF-3852B for \$750.00;

WHEREAS, on December 12, 1989, Dominguez signed two Form 1 documents agreeing to pay both the undercharge citation and the citation forfeiture;

WHEREAS, on January 30, 1990, Dominguez signed an agreement, to make monthly payments of \$500.00 toward the fine commencing February 1, 1990;

WHEREAS, on four occasions, namely April 25, 1991, November 12, 1991, March 18, 1992 and August 20, 1992, the staff notified Dominguez that she had violated the Agreement by failing to make payments in a timely manner;

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WHEREAS, on October 26, 1992, the staff notified Dominguez that in spite of having received fourteen (14) payments totaling \$8,500.00 toward the undercharge citation, a balance of \$4,978.17 remained unpaid (\$4,228.17 on the undercharge citation and \$750.00 on the citation forfeiture, and warned Dominguez that it would take steps to suspend and revoke her operating authorities for failure to pay the citations after agreeing to do so, a procedure prescribed by Resolution L-228;

WHEREAS, on December 8, 1992, our staff in the San Jose District office, having learned that Dominguez was having financial difficulties, set up a new Fine Payment Agreement in which Dominguez agreed to make nineteen (19) monthly installments of \$250.00 each, and a final payment of \$228.17, on the fourth day of each month, commencing January 4, 1993;

WHEREAS, having only received one payment under the new agreement, the staff notified Dominguez on April 7, 1993 that she was three payments delinquent, and asked her to remit those payments promptly;

WHEREAS, although Dominguez made subsequent payments, balances of \$1,478.17 for the undercharge citation and \$750.00 for the citation forfeiture remain unpaid;

WHEREAS, Dominguez's consistent failure to comply with the terms of the Fine Payment Agreement, as amended, continues;

IT IS RESOLVED THAT:

1. The operating authorities issued to Dominguez in file number T-165502 are suspended for a period of forty-five (45) days, or until the full amount of the undercharge citation and the citation forfeiture is paid, during which time Dominguez may not operate.

2. If by the end of the 45-day period Dominguez has neither fully complied with the terms of the Fine Payment Agreement nor requested a hearing, the operating authorities will be automatically revoked.

3. Although a request for hearing will stay the revocation of the operating authorities, absent full payment of the amount of the undercharge citation and citation forfeiture the suspension will remain in force and Dominguez may not operate.

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4. During the hearing, Dominguez will have the burden of showing cause why her authorities should not be revoked.

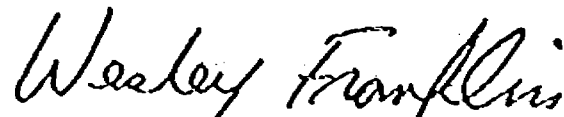
The Assistant Executive Director is directed to mail a certified copy of this resolution to:

Mrs. Benita Dominguez
DOMINGUEZ BROS. TRUCKING
14455 Murphy Avenue
San Martin, CA 95046

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 OCT 05 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

I abstain.

/s/ JOSIAH L. NEEPER
Commissioner