

**ORIGINAL**

Decision No. 34980

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

|                                       |                       |
|---------------------------------------|-----------------------|
| In the Matter of the Application of ) |                       |
| JOSEPH S. MARKS, doing business as )  |                       |
| ACE TRAVEL SERVICE, for a license )   | Application No. 24230 |
| as a Motor Carrier Transportation )   |                       |
| Agent. )                              |                       |

PAUL H. BRUNS, for Applicant.

ORLA ST. CLAIR, for Passenger Carriers, Inc.,  
Protestant.

BY THE COMMISSION:

O P I N I O N

This is an application for a license to engage in business as a Motor Carrier Transportation Agent. Public hearing was held at Los Angeles before Examiner McGettigan on August 20, 1941.

Applicant proposes to do business in the City of Los Angeles at a location as yet undetermined. At the location selected applicant will register the cars of casual motor car operators and book passengers for them. The car operators will pay a fee at the time their cars are registered and passengers will pay a fee when transportation is arranged for them in the cars registered with applicant. The service will be entirely confined to interstate transportation.

The business in which applicant proposes to engage directly affects the safety and welfare of the public. Motor carrier transportation agents act as intermediaries between the public and carriers not subject to State or Federal regulation.

It is a matter of common knowledge that this kind of transportation is attended by risks not incident to transportation by regulated carriers. This is recognized in the Motor Carrier Transportation Agent Act, which provides that the Commission shall not issue a license to operate as a motor carrier transportation agent to an applicant when it shall determine that he is not a fit and proper person to hold such a license.

We are convinced that this applicant is not qualified to hold such a license. Applicant's true name is Joseph S. Markowitz. He seeks to be licensed under the alias of Joseph S. Marks. This fact was only revealed to the Commission during the course of applicant's examination by protestant. In the same manner it was revealed that applicant used the alias "Joe Miller" while residing in San Francisco after he had escaped from a Los Angeles jail. Applicant has been arrested on many occasions on various criminal charges. While this application was pending he was arrested for unlawfully conducting business as a motor carrier transportation agent without a license. On the very day of the hearing herein he entered a plea of guilty to this charge.

After a full consideration of all the facts of record in this matter the Commission finds that applicant, Joseph S. Marks, is not a fit and proper person to hold a license as a motor carrier transportation agent and his application will, therefore, be denied.

O R D E R

IT IS HEREBY ORDERED that the application of Joseph S. Marks for a license as a motor carrier transportation agent be, and the same is hereby denied.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of January, 1942.

[Signature]

Justus J. Caseman  
Francis R. Havenue  
Richard L. Sachse  
COMMISSIONERS