

ORIGINAL

Decision No. 34912

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
BURNS B. HONEYCUTT, for a license)	Application No. 24396
as a motor carrier transportation)	
agent.)	

WYMAN G. REYNOLDS, for applicant.

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

JAMES GUNN, for Board of Public Utilities and
Transportation of the City of Los
Angeles, interested party.

BY THE COMMISSION:

O P I N I O N

Burns B. Honeycutt filed this application for a license to operate as a motor carrier transportation agent, as defined in Chapter 390, Statutes of 1933, as amended. A public hearing was held in Los Angeles before Examiners Cameron and Ager on September 17 and 29, 1941, testimony was taken, the matter was submitted and it is now ready for decision.

Applicant has been conducting a travel bureau for the past three years at 240 East 7th Street, Los Angeles, under the name of Dunn's Travel Bureau. On June 10, 1940, he was arrested for violating the Motor Carrier Transportation Agent Act. The complaint charging such violation was later dismissed. The nature of the acts constituting the violation or the reason for the dismissal of the case is not shown, except that on June 4, 1940,

the Appellate Department of the Superior Court of Los Angeles County, in the case of People v. Thompson, held the Act to be unconstitutional as it applied to interstate commerce. During a four months' period subsequent to said decision applicant continued to conduct business without a license and authorized advertisements in the telephone directory under the name of Dunn's Travel Bureau showing a San Francisco and Oakland service.

On April 28, 1941 the Supreme Court declared the Motor Carrier Transportation Agent Act to be constitutional ⁽¹⁾ in application to agents arranging for interstate transportation. James Gunn, Chief Motor Vehicle Inspector for the Board of Public Utilities and Transportation of the City of Los Angeles, immediately informed applicant of this decision. Shortly thereafter applicant was arrested and paid a fine of \$50.00 for violation of the said Act. In July, 1941, applicant was again arrested for violation of the Act, and in August a few days after he filed his application herein, he paid a fine of \$100.00 for this violation.

After a full consideration of all the facts of record in this matter the Commission is of the opinion and finds that applicant is not a fit and proper person to be licensed to operate as a motor carrier transportation agent, and that his application should, therefore, be denied.

(1) People v. Thompson, (April 28, 1941) 84 LEd Advance Opinion 792

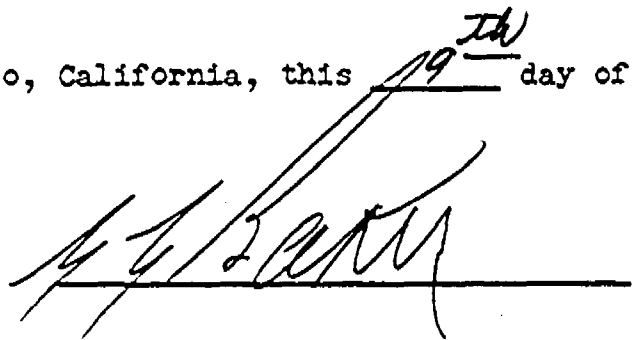
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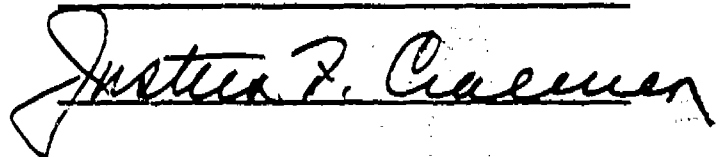
A public hearing having been held in the above-entitled proceeding, evidence having been received, the matter having been duly submitted, and the Commission now being fully advised,

IT IS ORDERED that the application of Burns B. Honeycutt 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 19th day of January, 1942.






COMMISSIONERS