

ORIGINAL

Decision No. 35150

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )	
of ISRAEL WILLIAM WINTJEN for )	Application No. 24581
license as a Motor Carrier )	
Transportation Agent. )	

MITCHEL S. MEYBERG, for applicant.

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

W. F. BROOKS, for Atchison, Topeka and Santa Fe Railway and Santa Fe Transportation Company, protestants.

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

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 as defined in the Motor Carrier Transportation Agent Act (Statutes of 1933, Chapter 390, as amended). Public hearing was held at Los Angeles before Examiner Loughran on January 8, 1942.

Applicant desires to do business as such at 423 East Seventh Street, Los Angeles, California. He proposes to register and procure passengers for private car owners who are going on interstate automobile trips for business or pleasure and who desire to defray the cost of their trip by transporting a few fare-paying passengers. Applicant will not represent or procure passengers for any person who is regularly engaged in the business

of transporting passengers for profit. Passengers will be required to pay applicant a fee when they are placed in contact with registered car owners, and car owners will be required to pay a fee when their car is registered.

Applicant is a resident of the city of Los Angeles where he has been connected with the travel bureau business since 1938. He first engaged in this business as an employee of C. E. Brown for whom he worked as a night booker. Brown was arrested for conspiracy to violate the Interstate Commerce Act shortly after he employed applicant and the business was closed. Wintjen then went to work in the same capacity for a Mr. Honeycutt with whom he remained for a period of three months. Thereafter, he went to work for his son, Henry Wintjen, who operated a travel bureau at 239 East Seventh Street. The son was arrested for violation of the Motor Carrier Transportation Agent Act after applicant had been working one month, and the establishment was closed. In June of 1940 applicant rented a lobby room in the Statler Hotel, installed telephone service, and engaged in business as a motor carrier transportation agent, without a license, in partnership with a man named Conway. Under the partnership agreement, Conway was required to do all the work of operating the bureau but the cost of the operation and the profits were equally divided. After about three months, this arrangement was terminated, and applicant entered into the same kind of a partnership with Carl Brown, his former employer. On July 18, 1941, this arrangement was terminated and, thereafter, applicant rented the bureau location to various operators for a rental of \$100.00 per month. During this period the operators of the bureau were arrested for doing business as

motor carrier transportation agents without the proper licenses. On July 22, 1941 Raymond Henderson was arrested; on August 6, 1941, Miller and MacCaulay were arrested; on November 29, 1941, MacCaulay and Edgar Smith were arrested. Applicant was present in the travel bureau when each of these arrests were made. He testified that he has known for approximately two years that it was unlawful to operate a travel bureau without first procuring a license from the Railroad Commission.

After 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 receive a license to operate as a motor carrier transportation agent and his application will be denied.

O R D E R

Public hearing having been had in the above entitled proceeding, evidence having been received, the matter having been submitted, and the Commission now being fully advised in the premises,

IT IS HEREBY ORDERED that the application of Israel William Wintjen for a license to operate as a motor carrier transportation agent at 423 East Seventh Street, Los Angeles, California, be and the same is hereby denied.

This order shall be effective upon the date hereof.

Dated at San Francisco, California, this 24<sup>th</sup> day of March, 1942.

*Justus F. Calver*  
*Walter H. Carey*  
*M. M. A.*  
*Francis K. Hanes*  
*Arthur J. Mackay*  
COMMISSIONERS