

Decision No. 35154

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CLARENCE D. SCHAEFFER for a license)
as a Motor Carrier Transportation) Application No. 24582
Agent.)

MITCHEL S. MEYBERG, for applicant.

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

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 Act (Statutes 1933, Chapter 390, as amended). Public hearing was held at Los Angeles before Examiner Loughran on February 10 and 13, 1942.

Applicant desires to do business as such at 832 Wilshire Boulevard, Los Angeles, California. He proposes to 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 this state where he has been engaged in various occupations. In December, 1939, he opened a travel bureau in Glendale where he unlawfully engaged in business as a motor carrier transportation agent without a license. In June, 1941, by reason of the arrest of other persons, he became convinced that it was unlawful to engage in such business without a license. He thereupon discontinued his operation. However, he immediately rented the premises located at 5239 San Fernando Road, Glendale, to which he transferred the telephones used in connection with his unlawful business. He operated a restaurant on a portion of these premises and rented the remainder to a Mr. Wilson for the purpose of conducting a travel bureau. He granted Wilson the right to use his telephones for the sum of \$500.00, payable out of the earnings of the business. Wilson continued to operate as a motor carrier transportation agent on these premises until he was arrested. Prior to his arrest he had made several payments toward satisfaction of his \$500.00 indebtedness to Applicant. The money so paid apparently came from the profits of the illegal business which he was conducting.

We are of the opinion that applicant, by leasing his premises and telephone numbers to Wilson, deliberately and knowingly aided and abetted Wilson unlawfully to operate as a motor carrier transportation agent.

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

ORDER

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 ORDERED that the application of Clarence D. Schaeffer for a license to operate as a motor carrier transportation agent at 832 Wilshire Boulevard, Los Angeles, California, be and the same is hereby denied.

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

Dated at San Francisco, California, this 24th day of March, 1942..

Justus J. Craven
Ray H. Perry
H. Baker
Francis R. Havenner
Frank Laiche
 COMMISSIONERS