

ORIGINAL

Decision No. 35155

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
CHARLES J. CASTAGNA, sometimes known)	
as CHARLES J. VINCENT, for license)	Application No. 24600
as Motor Carrier Transportation 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 January 7 and 8, 1942.

Applicant desires to do business as such an agent at 1535 Ocean Avenue, Santa Monica, 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 Los Angeles County where he has been employed as a "bit player" in motion pictures and in the Engineering Division of the War Department. In March of 1940 he went into partnership with his brother and engaged in the travel bureau business in Los Angeles. Soon after he entered this business, his brother was arrested for operating as a motor carrier transportation agent without a license. The business was then closed. In May of 1940 applicant opened a travel bureau of his own in Santa Monica at the location where he now seeks to be licensed to operate. Some time after opening this business, he discussed the legality of the operation with a representative of the Los Angeles Police Department and with one of the Commission's attorneys. They informed him that in order lawfully to engage in this business, it was necessary for him to procure a license from the Railroad Commission. In November of 1941 he sought the advice of an attorney and on November 26, 1941, he filed this application. After the application had been filed, he still continued to operate as a motor carrier transportation agent in Santa Monica without a license, and in December of 1941, he was arrested for such illegal operation and thereafter convicted.

Applicant endeavors to excuse his unlawful conduct, extending over more than a year, by stating that he was of the opinion that a license was only required to engage in business as a motor carrier transportation agent for intrastate transportation. His own testimony, however, indicates that he did not hold such an opinion. The application which he filed does not request authority to arrange for intrastate transportation; by it he only seeks authority to arrange for interstate transportation. He

testified that he at no time desired and does not now desire to arrange intrastate transportation.

These facts make it apparent that applicant must have realized, at least prior to the time that this application was filed, that a license was required to operate lawfully as a motor carrier transportation agent in arranging for interstate transportation. It, therefore, appears that he knowingly and willfully violated the provisions of the Motor Carrier Transportation Agent Act.

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, therefore, 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 Charles J. Castagna for a license to operate as a motor carrier transportation agent at 1535 Ocean Avenue, Santa Monica, 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.

Justin F. Bauer
Harry H. Cline
W. H. Hall
Francis H. Hoover
Richard L. Taylor
COMMISSIONERS