

ORIGINAL

Decision No. 35431

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of WALTER R. BEST for a license )  
as a Motor Carrier Transportation ) Application No. 24833  
Agent. )

F.W. TURCOTTE, for applicant.

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

JAMES GUNN, for the Board of Public  
Utilities and Transportation for  
the 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. Public hearing was held in Los Angeles before Examiner Cameron on March 27, 1942.

Applicant intends to do business as such agent at 239 East Seventh Street, Los Angeles, California, and as an employee of Sheldon Lee Farber to whom the Commission has heretofore issued a license authorizing him to operate as a motor carrier transportation agent. As such agent his activities will be entirely subject to the direction of his employer.

Applicant is a resident of the city of Los Angeles where he has been employed in a number of different positions. Insofar as the record shows he has always discharged the duties of these positions in a satisfactory manner..

After full consideration of all the facts of record in this matter, the Commission is of the opinion that this applicant should be licensed to operate as a motor carrier transportation agent and it will be ordered that such license be issued to him.

A motor carrier transportation agent's license may be revoked by the Commission when it appears that the holder has engaged in false advertising or false representation or has sold, offered for sale, or negotiated for sale, transportation by any carrier operating without the proper authority or in violation of State or Federal laws or the General Orders, Rules and Regulations of the Railroad Commission. <sup>(1)</sup> It will be the policy of the Commission to revoke licenses with all possible dispatch when it appears that the holder is engaged in unlawful or improper practices.

Applicant is cautioned to inform prospective passengers that he exercises no control over the operation of the vehicle in which they are to ride but merely acts as an intermediary to place them in contact with the owner, and to refrain from false representations of any character whatsoever, either personally or by advertisements, concerning the financial responsibility of either the licensee or the car operator.

A motor carrier transportation agent's license is personal to the holder. He is not permitted to transfer or assign such license, or to delegate his authority to another; <sup>(2)</sup> to do so would constitute a violation of the Motor Carrier Transportation Agent Act and subject the license to revocation.

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(1) Section 10, Motor Carrier Transportation Agent Act.

(2) Section 9, Motor Carrier Transportation Agent Act.

Applicant's attention is directed to the provisions of Section 11 of the Act, and he is admonished scrupulously to comply therewith in every respect by making and keeping the records there specified.

O R D E R

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

IT IS HEREBY ORDERED that Walter R. Best be and he is hereby licensed to engage in the business or act in the capacity of a motor carrier transportation agent as defined in Chapter 390, Statutes 1933, as amended, as an employee of Sheldon Lee Farber only at the following location, to-wit: No. 239 East Seventh Street, Los Angeles, California, to sell, offer for sale, negotiate for, furnish, or provide transportation to destinations outside the State of California only; subject to the condition, however, that he shall, within sixty (60) days from the date hereof, provide and file with the Railroad Commission a good and sufficient surety bond in the sum of one thousand dollars (\$1000) in accordance with the provisions of Section 8 of said Act and in a form prescribed or approved by the Railroad Commission.

IT IS FURTHER ORDERED that this license shall expire on December 31, 1942, subject to the provisions for renewal prescribed by the Railroad Commission; provided, however, that this license shall be inoperative and of no force or effect during any period when there shall not be in effect and on file with the Railroad Commission for said Walter R. Best a good and sufficient

surety bond in accordance with the provisions of said Section 8 of said Act and the rules and regulations of the Railroad Commission.

IT IS FURTHER ORDERED that upon said Walter R. Best filing with the Commission a surety bond as hereinabove provided, the Secretary of the Railroad Commission be and he is hereby authorized and directed to issue and deliver to said Walter R. Best a certificate of the authority granted hereby.

IT IS FURTHER ORDERED that the above described license be issued upon the condition that operations authorized thereunder shall be conducted in accordance with all applicable rules, regulations and requirements relating thereto issued by the Commission under the Motor Carrier Transportation Agent Act (Statutes 1933, Chapter 390, as amended).

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

Dated at San Francisco, California, this 2nd day of June, 1942.

Justin F. Craven  
Ray L. Rice

Richard Jackson  
COMMISSIONERS