

ORIGINAL

Decision No. 36089

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Commission's Investigation )  
into the operations, rates, charges, rules, )  
etc. of EDWARD A. JACKSON, for the purpose of )  
determining whether or not his license to operate )  
as a motor carrier transportation agent should be )  
suspended or revoked. )

Case  
No. 4657

In the Matter of the Commission's Investigation )  
into the operations, rates, charges, rules, etc. )  
of WILLIAM HENRY MAGUIRE, for the purpose of )  
determining whether or not his license to operate )  
as a motor carrier transportation agent should be )  
suspended or revoked. )

Case  
No. 4658

In the Matter of the Commission's Investigation )  
into the operations, rates, charges, rules, etc. )  
of SHELDON LEE FARBER, for the purpose of )  
determining whether or not his license to operate )  
as a motor carrier transportation agent should be )  
suspended or revoked. )

Case  
No. 4659

In the Matter of the Commission's Investigation )  
into the operations, rates, charges, rules, etc. )  
of DOLLIE FRANCES MACUIRE, for the purpose of )  
determining whether or not her license to operate )  
as a motor carrier transportation agent should be )  
suspended or revoked. )

Case  
No. 4660

In the Matter of the Commission's Investigation )  
into the operations, rates, charges, rules, etc. )  
of T. C. JACK BURROUGHS, for the purpose of )  
determining whether or not his license to operate )  
as a motor carrier transportation agent should be )  
suspended or revoked. )

Case  
No. 4661

In the Matter of the Application of PRYCE GEORGE )  
OWENS for a license as Motor Carrier Transpor- )  
tation Agent. )

Application  
No. 25056

F. W. TURCOTTE, for respondent Farber in  
Case No. 4659

WYMAN C. KNAPP, for Transportation  
Department, Railroad Commission

WILLIAM F. BROOKS, for Passengers Carriers,  
Inc., as interested party.

BY THE COMMISSION:

O P I N I O N

Cases Nos. 4657 to 4661, inclusive, are proceedings instituted on the Commission's own motion to determine whether or not the licenses of the respective respondents to operate as motor carrier transportation agents should be suspended or revoked. Application No. 25056 involves the application of Fryce George Owens for a license to operate as a motor carrier transportation agent.

A public hearing was held before Examiner Gannon at Los Angeles on November 9, 1942 and the matters were submitted on a consolidated record. They will be disposed of in one decision.

Application No. 25056 was filed on June 8, 1942 and a hearing held on September 15, 1942 at the conclusion of which the matter was submitted. On October 30, 1942, the Commission made its order setting aside submission and placing the matter on the calendar for further hearing on the date above noted. In the meantime, and prior to hearing on November 9, attorney for the applicant withdrew the application and the order herein will accordingly direct that the matter be dismissed.

Each of the respondents has been operating as a motor carrier transportation agent in the city of Los Angeles under authority of a license issued by the Commission.

In the orders of investigation issued in these proceedings the Commission seeks to determine whether or not said respondents, or any of them, have been conducting their operations in violation of the provisions of the Motor Carrier Transportation Agent Act (Chap. 390, Statutes 1933, as amended).

The Act provides that the Commission has power to regulate and control the issuance and revocation of licenses as motor carrier transportation agents.

Section 8 provides that no license shall be issued unless the applicant thereunder shall provide a good and sufficient bond in the sum of \$1000, conditioned upon the faithful performance of the contract or agreement of transportation negotiated by the licensee.

Section 10 provides that the Commission may suspend or revoke any license theretofore issued if it shall determine that the licensee is not a fit and proper person to hold the same, or has engaged in false advertising and false representation in violation of state laws, or of the orders, rules and regulations of the Commission.

Section 11 provides that it shall be the duty of all motor carrier transportation agents to maintain and keep for a period of two years, an exact and permanent record of all transactions had by them as such agents, and to keep such records open to inspection. The rules of the Commission require that every licensed agent shall file copies of such records in the office of the Commission (T & S Forms Nos. 364-k and 365-k).

Five inspectors of the Division of Investigation of the Transportation Department of the Commission testified at the hearing and various exhibits were introduced in evidence showing failure on the part of each and every respondent herein to furnish such information regarding their operation as is required by the statute and the rules of the Commission.

The Commission's records show that the bonds of respondents Jackson, William Henry Maguire, Dollie Frances Maguire and Burroughs, which are required under Section 8, have been cancelled and annulled and their licenses are, therefore, inoperative and of no force or effect.

The record herein establishes the fact that each and all of the respondents have been operating in violation of sections 10 and 11 of the Motor Carrier Transportation Agent Act, in that they have failed to comply with the general orders, rules and regulations of the Railroad Commission. The Commission, in issuing licenses to said respondents under authority of said Act, scrupulously admonished such licensees to comply therewith in every respect by making and keeping the records therein specified.

#### O R D E R

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,

IT IS HEREBY FOUND that respondents, Edward A. Jackson, William Henry Maguire, Sheldon Lee Farber, Dollie Frances Maguire, and T. C. Jack Burroughs, licensed as motor carrier transportation agents under the provisions of Chapter 390, Statutes 1933, as amended, have been operating in violation of sections 10 and 11 of said statute.

IT IS HEREBY FURTHER FOUND that respondents Edward A. Jackson, William Henry Maguire, Dollie Frances Maguire and T. C. Jack Burroughs are in violation of section 8 of Chapter 390, Statutes 1933, as amended, in that they have not on file with the

Commission a good and sufficient bond as required under said statute.

IT IS HEREBY ORDERED that Motor Carrier Transportation Agents licenses heretofore issued to respondents, Edward A. Jackson, William Henry Maguire, Sheldon Lee Farber, Dollie Frances Maguire and T. C. Jack Burroughs are hereby cancelled and annulled.

IT IS HEREBY FURTHER ORDERED that the application of Pryce George Owens for a license as a motor carrier transportation agent be and it is hereby dismissed.

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

Dated at San Francisco, California, this 5th day of January, 1943.

Justus J. Casper  
Richard G. Hays  
M. W. K. K.  
Francis D. Havenner  
Harold D. Day  
COMMISSIONERS