

ORIGINAL

Decision No. 64405

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application ) of FLOYD L. LEWIS for renewal or ) reissuance of a license as a ) Motor Transportation broker. )	Application No. 44507 Filed June 6, 1962
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Floyd L. Lewis, in propria persona.  
J. C. Kaspar, California Trucking Association, interested party.  
Lawrence Q. Garcia, for the Commission staff.

OPINION AND ORDER

Floyd L. Lewis requests renewal of his license as a Motor Transportation Broker first issued by Decision No. 60565, dated August 16, 1959, and renewed by Decision No. 61405, dated January 24, 1961, in Application No. 42955.

A public hearing was held before Examiner Thomas E. Daly, on September 14, 1962, at San Francisco.

The record indicates that Floyd L. Lewis is president of States Shingle Company, a corporation, hereinafter referred to as States, in which applicant and his brother are equal stockholders; that States operates places of business at San Jose, Oakland, Concord, North Sacramento and Tahoe Valley; that States makes and receives numerous shipments to and from various points within California; that although States does not pay the freight charges on said shipments, due in many instances to sales price freight allowance arrangements, it does select the carrier; that applicant arranges for such transportation as president of the corporation and also as a Motor Transportation Broker, primarily using the services of All Counties Express, a permitted carrier,

and the occasional services of two other carriers; that due to an asserted oversight applicant failed to renew his license for 1962; that when made aware of the oversight he filed the instant application and either refunded the commissions received or notified the carriers not to pay the commissions due for the period he was not licensed; and that the total amount of said commissions was \$316.

It appears that applicant, in his instant application, failed to indicate that he was an officer of a corporation and it further appears that States failed to join in the instant application as required by Section 4833 of the Public Utilities Code, which reads as follows:

"Section 4833. The commission shall not issue a motor transportation broker license to any copartnership or corporation, it being the intent of this chapter to require each person acting as a motor transportation broker to be individually licensed. If an applicant is an officer or commission agent or employee of a corporation, or a member of any copartnership, or a commission agent or employee of any person or copartnership, he shall so state in his application. The corporation, copartnership, or person of which the applicant is an officer, member, or employee, as the case may be, shall join in the applicant's application and shall set forth therein the relationship between the applicant and the person, copartnership, or corporation so joining."

After consideration, the Commission finds that:

1. Applicant failed to disclose that he was president of States Shingle Company.
2. States Shingle Company failed to join in the application.

IT IS ORDERED that Application No. 44507 is hereby denied.  
The effective date of this order shall be twenty days  
after the date hereof.

Dated at San Francisco, California, this 11<sup>th</sup>  
day of OCTOBER, 1962.

George B. Hoover  
President

[Signature]

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Fredrick B. Holbrook  
Commissioners