

Dated: November 6, 2009.

Karen V. Gregory,
Secretary.

[FR Doc. E9-27188 Filed 11-10-09; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION

[Docket No. 09-05]

Application of Leonardo Ortiz for Admission To Practice Before the Federal Maritime Commission

Served: November 5, 2009.

By The Commission: Richard A. Lidinsky, Jr.,
Chairman, Joseph E. BRENNAN, and
Rebecca F. DYE, Commissioners.

Order Denying Application of Leonardo Ortiz for Admission to Practice

By Order served July 30, 2009, the Commission directed Respondent Leonardo Ortiz to demonstrate that he is qualified to practice before the Commission as a non-lawyer, pursuant to 46 CFR 502.27 and 502.29. Despite two opportunities to be heard, Mr. Ortiz did not submit evidence or otherwise respond to the Commission's Order. Accordingly, the Commission upholds the Secretary's April 15, 2009 decision letter to Mr. Ortiz, and denies Mr. Ortiz certification to practice before the Commission.

Background

Mr. Ortiz filed an Application for Admission to Practice before the Commission on December 31, 2007, showing that he is self-employed and operating from his residence in Anderson, SC. Following discussions among FMC staff and further communications with Mr. Ortiz, the Secretary issued a decision letter on April 15, 2009, indicating the denial of Mr. Ortiz's application to practice before the Commission as a non-attorney. Among issues cited in the Secretary's decision letter for the determination are Respondent's lack of legal academic credentials and lack of relevant work experience demonstrating his qualifications to practice before the Commission.

In the decision letter, the Secretary informed Mr. Ortiz of his right to request a hearing within twenty days, pursuant to Rule 29 of the Commission's Rules of Practice and Procedure, 46 CFR 502.29. Mr. Ortiz timely requested a hearing on April 29, 2009.

Pursuant to Mr. Ortiz's request, the Commission duly served an Order directing applicant to show his qualifications to practice as a non-attorney before the Commission. The Secretary served such Order on Mr.

Ortiz via Federal Express courier service on July 31, 2009. Mr. Ortiz signed a Federal Express receipt, evidencing his receipt of the Commission's Order. Notice of this proceeding also was published in the **Federal Register**. 74 FR 38627 (Aug. 4, 2009).

The Commission's Order designated Mr. Ortiz as a Respondent and directed him to file affidavits of fact and a memorandum of law no later than September 4, 2009. The Order designated the Commission's Bureau of Enforcement (BOE) as a party, and required BOE to submit rebuttal affidavits of fact and memoranda of law no later than October 5, 2009. Thereafter, Mr. Ortiz was permitted to file a reply brief no later than October 20, 2009.

BOE timely submitted its memorandum of law and factual case on October 5, 2009. BOE's case includes the verified statement of the Commission's Secretary, Karen V. Gregory, which describes the factual background of the Secretary's review of the subject application, along with the Secretary's decision letter issued to Mr. Ortiz on April 15, 2009. To date, Mr. Ortiz has not submitted evidence, any memoranda of law, or otherwise responded to the Commission's Order.

Discussion

The Secretary is authorized to approve or deny an application to practice before the Commission. 46 CFR 501.24(a). If the Secretary denies an application to practice before the Commission, written notice is given so that the applicant can request a hearing before the Commission. 46 CFR 502.29. At hearing, Mr. Ortiz has the burden of showing the applicant's qualifications. 46 CFR 502.155.

BOE cites the Secretary's decision letter as setting forth three major points which justify denying Mr. Ortiz admission to practice before the Commission: First, Mr. Ortiz is not a credentialed attorney because he does not have a license to practice law before any Federal, State or Territorial court. BOE Memorandum of Law at 3; Application of Leonardo Ortiz at 2 (Question 10); Decision Letter of April 15, 2009, at 1. Second, Mr. Ortiz lacks other credible proof of legal or academic education to justify his entitlement to practice before the Commission, inasmuch as the American Bar Association has not granted recognition to the British American School of Law, where Mr. Ortiz attended. BOE Memorandum of Law at 3; Application of Leonardo Ortiz at 2 (Questions 7 and 12a); Verified Statement of Karen V. Gregory at ¶ 7; and Decision Letter of

April 15, 2009, at 1. Third, Mr. Ortiz's purported work experience assisting attorneys in criminal, contract, torts, and Federal administrative law is not sufficient to make him qualified to practice before the Commission. BOE Memorandum of Law at 3; Application of Leonardo Ortiz at 2 (Questions 8 and 12b); Verified Statement of Karen V. Gregory at ¶ 7; and Decision Letter of April 15, 2009, at 2. Likewise, possession of a U.S. Coast Guard Merchant Marine Master license does not establish the requisite basis to conclude that Mr. Ortiz has shown the necessary "legal, technical or other qualifications to render valuable service before the Commission and is otherwise competent to advise and assist in the presentation of matters before the Commission," 46 CFR 502.27(a)(1). See also BOE Memorandum of Law at 1-2; Decision Letter of April 15, 2009, at 1.

Although Mr. Ortiz submitted several recommendations with his application, it was determined that these letters lacked sufficient information or support as to his qualifications to be admitted to practice before the Commission. BOE Memorandum of Law at 1-2, and Decision Letter of April 15, 2009, at 2. The Secretary determined that such letters served only to provide evidence of Mr. Ortiz's good character. *Id.*

Despite adequate notice of the issues in the Decision Letter and notice of the September 4, 2009 deadline by which Mr. Ortiz should respond to the Order, Mr. Ortiz never submitted evidence, memoranda of law or affidavits to contest the Secretary's determinations.

As the Commission explained in *Revocation of License No. 016019N—Central Agency of Florida Inc.*, 31 S.R.R. 486 (FMC, 2008): "It is a familiar rule of evidence that the party with control of information relevant to a disputed issue may be assigned the burden to provide such information or suffer an adverse inference for its failure to respond," 31 S.R.R. at 486-7, citing *Commonwealth Shipping Ltd., Cargo Carriers Ltd., Martyn C. Meritt—Submission of Materially False or Misleading Statements to the Federal Maritime Commission*, 29 S.R.R. 1408, 1412 (FMC 2003); *Adair v. Penn-Nordic Lines*, 26 S.R.R. 11, 15 (ALJ, 1991), citing *Alabama Power Co. v. FPC*, 511 F.2d 383, 391 (D.C. Cir., 1974). Of similar import, an applicant who fails to meet its burden of contesting allegations or evidence upon a disputed issue is deemed to have accepted the opposing party's allegations and evidence as true. *Revocation of License No. 016019N—Central Agency of Florida Inc.*, 31 S.R.R. at 487; *Capitol Transportation, Inc. v. United States*, 612 F.2d 1312, 1318-

1319 (1st Cir. 1979); *Bermuda Container Line Ltd. v. SHG Int'l Sales Inc., FX Coughlin Co., and Clark Building Systems, Inc.*, 28 S.R.R. 312, 314 (I.D. 1998).

Having requested this hearing, Mr. Ortiz has, on two separate occasions, neglected his opportunity to respond to those issues specified in the Commission's Order. In view of the uncontested nature of BOE's case, the Commission validly may find that Mr. Ortiz is not qualified to practice before the Commission as a non-attorney, as provided by 46 CFR. 502.27. Accordingly, the Commission upholds the Secretary's Decision Letter of April 15, 2009 and hereby denies certification for Mr. Ortiz to practice before the Commission.

Conclusion

Therefore, it is ordered, that the Application of Leonardo Ortiz to practice before the Commission as a non-attorney is denied.

By the Commission.

Karen V. Gregory,
Secretary.

[FR Doc. E9-27076 Filed 11-10-09; 8:45 am]

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FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

JMJ Logistics, Inc., 201 Sevilla Avenue, Coral Gables, FL 33134, Officer: Ernesto Del Riego, President (Qualifying Individual).

Advance Marine Shipping, 6505 Rusk, Houston, TX 77023, Gibson A. Oluyitan, Sole Proprietor.

SBC International Inc., 398 S. Lemon Creek Dr., Ste. #R, Walnut, CA 91789.

Officer: Min Y. Zhu, CEO (Qualifying Individual).

Conquests International Freight LLC, 4452 NW 74 Avenue, Miami, FL 33166, Officer: Brian N. Contipelli, Manager, (Qualifying Individual). Prana International Inc. 4842 SW 1144 Ct., Miami, FL 33175, Officer: Jorge Lacayo, President (Qualifying Individual).

Port Line Services LLC, 250 North Avenue East, Elizabeth, NJ 07201, Officer: Jose B. Jiminez, Member (Qualifying Individual).

Cuban Parcel Services, Corp., 11027 N.W. 122nd Street, Medley, FL 33178, Officers: Rolgues Rodriguez, Treasurer (Qualifying Individual). Ernesto Villa, President.

KSB Shipping & Logistics LLC, 2301 Trafalgar Square, Hillsborough, NJ 08844, Officer: Satish K. Sharma, Member (Qualifying Individual).

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Optim International Freight Services, Inc., 5733 Arbor Vitae Street, Ste. 101, Los Angeles, CA 90045, Officer: Dennis J. Liebrecht, President (Qualifying Individual).

England Global Logistics USA, Inc. dba England Logistics, 11222 La Cienega Boulevard, Ste. 588, Inglewood, CA 90304, Officers: Jack H. Chen, Director (Qualifying Individual), Josh A. England, President.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applications

ASL Logistics USA, LLC, Skyline Tower, 10900 NE 4th Street, Ste. 2300, Bellevue, WA 98004, Officers: Jerry V. Garcia, Managing Partner (Qualifying Individual), Alicia S. Gilson, President.

Midnite Air Corp dba MNX, 300 N Oak Street, Inglewood, CA 90302, Officers: Sean T. Gallagher, Senior Cargo Officer (Qualifying Individual). Keith D. Storey, Chairman.

Allyn International Services, Inc., 13391 McGregor Boulevard, Fort Myers, FL 33919, Officer: Michael Smyers, Vice President, (Qualifying Individual).

Reindeer Forwarding, LLC, 5100 Charles Court, Zionsville, IN 46077, Officers: Bradley Willy, General Manager (Qualifying Individual), Timothy Donnar, CEO.

Dated: November 6, 2009.

Karen V. Gregory,
Secretary.

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FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515, effective on the corresponding date shown below:

License Number: 002233NF.

Name: Pronto Cargo Corporation.

Address: 1530 NW 98th Court, Unit 103, Doral, FL 33172-2757.

Date Revoked: October 8, 2009.

Reason: Surrendered license voluntarily.

License Number: 021205NF.

Name: Selim Logistics System USA, Inc. dba Uni Global Logistics.

Address: 6492 New Albany Rd., Lisle, IL 60535.

Date Revoked: October 7, 2009.

Reason: Surrendered license voluntarily.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. E9-27190 Filed 11-10-09; 8:45 am]

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FEDERAL MARITIME COMMISSION

[Petition No. P1-09]

Petition of Hanjin Shipping Co., Ltd. for an Exemption From 46 CFR 530.10; Notice of Filing and Request for Comments

Served: November 6, 2009.

This is to provide notice of filing and to invite comments on or before November 16, 2009, with regard to the Petition described below.

Hanjin Shipping Co., Ltd. (Petitioner), has petitioned the Commission pursuant to 46 CFR 502.69 of the Commission's Rules of Practice and Procedure, for an exemption from the Commission's rules requiring individual service contract amendments, 46 CFR 530.10.

Specifically, Petitioner requests that the Commission permit the submission of a "universal notice" to the Commission of its upcoming corporate reorganization in lieu of requiring individual service contract amendment filings with respect to more than 2,700 service contracts. Petitioner separately commits to provide each service contract shipper counterparty with electronic notice of this