

application. Pursuant to such request,<sup>2</sup> this Order directs Respondents Falcon Shipping, Inc. and Mr. Abdiel Falcon, its qualifying individual, to show cause, pursuant to 46 CFR 502.66, why the BCL's determination to deny the OTI license application should not be upheld inasmuch as Mr. Falcon was convicted of a felony charge of unlawful importation of goods in violation of 18 U.S.C. 545 and is still serving probation on such conviction.

Section 19 of the Shipping Act of 1984, 46 U.S.C. 40901, provides that the Commission shall issue an OTI license to a person that the Commission determines to be qualified by experience and character. The Commission's regulations at 46 CFR 515.15 implement the standards for licensing under section 19, and state that:

If the Commission determines, as a result of its investigation, that the applicant: (a) Does not possess the necessary experience or character to render intermediary services; (b) Has failed to respond to any lawful inquiry of the Commission; or (c) Has made any materially false or misleading statement to the Commission; then a letter of intent to deny the application shall be sent to the applicant \* \* \*

The Commission's regulations thus require denial of an application for an OTI license if the applicant does not possess the necessary character to render OTI services.

It is well established that the burden of proof in a licensing proceeding is on the applicant. *Independent Ocean Freight Forwarder Application—Lesco Packing Co. Inc.*, 19 FMC 132, 136 (FMC 1976). The Commission has previously found that commission of a federal crime rises to the level of the "most egregious circumstances" warranting revocation or suspension (and, by analogy, denial) of a license. *In the Matter of Ocean Transportation License in the Name of Apparel Logistics, Inc., Petition for Appeal from Staff Action or in the Alternative for Initiation of an Investigation*, 30 S.R.R. 567, 570 (FMC 2004) ("Prior decisions have held that revoking or suspending an OTI license should be limited to the most egregious circumstances, such as OTIs violating the Shipping Act or Commission regulations, committing other federal offenses, or materially misrepresenting information regarding their qualifications."), citing *Stallion Cargo, Inc.—Possible Violations of Sections 10(a)(1) and 10(b)(1) of the Shipping Act of 1984*, 29 S.R.R. 665, 683–84 (FMC 2001); *AAA NordStar Line Inc.—*

*Revocation of License No. 12234*, 29 S.R.R. 663, 663–64 (FMC 2002); *Commonwealth Shipping Ltd., Cargo Carriers Ltd., Martyn C. Merritt and Mary Anne Merritt—Submission of Materially False or Misleading Statements to the Federal Maritime Commission And False Representation of Common Carrier Vessel Operations*, 29 S.R.R. 1408, 1412–1414 (FMC 2003).

Now therefore, it is ordered That pursuant to sections 11 and 19 of the Shipping Act of 1984, Falcon Shipping, Inc. and Abdiel Falcon are hereby directed to show cause why the BCL's determination to deny the OTI license application should not be upheld.

It is further ordered That this proceeding is limited to the submission of facts and memoranda of law;

It is further ordered That Falcon Shipping, Inc. and Abdiel Falcon are named as Respondents in this proceeding. Affidavits of fact and memoranda of law shall be filed by Respondents in support of its application no later than July 13, 2011;

It is further ordered That the Commission's Bureau of Enforcement is made a party to this proceeding;

It is further ordered That reply affidavits and memoranda of law shall be filed by the Bureau of Enforcement in opposition to Respondents no later than July 28, 2011;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served on parties of record;

It is further ordered That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 2 of the Commission's Rules of Practice and Procedure, 46 CFR 502.2, as well as being mailed (or e-mailed) directly to all parties of record;

Finally, it is ordered That pursuant to the terms of Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the final decision of the Commission in this proceeding shall be issued by December 23, 2011.

By the Commission.

**Karen V. Gregory**,  
Secretary.

[FR Doc. 2011–16226 Filed 6–28–11; 8:45 am]

**BILLING CODE 6730–01–P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank

Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 13, 2011.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. *Thomas H. Lee (Alternative) Fund VI, L.P.*, *Thomas H. Lee (Alternative) Parallel Fund VI, L.P.*, *Thomas H. Lee (Alternative) Parallel (DT) Fund VI, L.P.*, *THL FBC Equity Investors, L.P.*, *THL Advisors (Alternative) VI, L.P.*, *Thomas H. Lee (Alternative) VI, Ltd.*, *THL Managers VI, LLC*, *Thomas H. Lee Partners, L.P.*, *Thomas H. Lee Advisors, LLC*, *Anthony J. DiNovi and Scott M. Sperling, all of Boston, Massachusetts*; to directly acquire 24.9 percent of the voting common stock of First BanCorp, and thereby indirectly acquire FirstBank Puerto Rico, both of San Juan, Puerto Rico.

Board of Governors of the Federal Reserve System, June 24, 2011.

**Robert deV. Frierson**,  
Deputy Secretary of the Board.

[FR Doc. 2011–16253 Filed 6–28–11; 8:45 am]

**BILLING CODE 6210–01–P**

## FEDERAL RESERVE SYSTEM

### Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by *Order* to be closely related to banking and permissible for bank holding companies. Unless

<sup>2</sup> While transmitted only to BCL, Mr. Falcon's e-mail request is deemed sufficient under 46 CFR 515.15 to entitle Falcon Shipping to a hearing with respect to his OTI application.