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FEDERAL MARITIME COMM

FEDERAL MARITIME COMMISSION

DOCKET NO. 09-05

APPLICATION OF LEONARDO ORTIZ FOR ADMISSION TO PRACTICE BEFORE THE FEDERAL MARITIME COMMISSION

**BUREAU OF ENFORCEMENT
MEMORANDUM OF LAW**

By Order dated July 30, 2009, the Federal Maritime Commission ("Commission") instituted this proceeding for the purpose of allowing Leonardo Ortiz ("Mr. Ortiz") to show his qualification to practice before the Commission as a non-attorney practitioner under Rule 27 of the Commission's Rules of Practice and Procedure, 46 C.F.R. §502.27.

I. PROCEDURAL HISTORY

Mr. Ortiz filed his Application for Admission to Practice before the Federal Maritime Commission ("Form FMC-12") on December 31, 2007. Based on information provided in his application, Mr. Ortiz is self-employed and his office is based at his residence, 4324 Belton Highway, Anderson, SC 29621.

After completing a full review of Mr. Ortiz's application, the Secretary of the Commission ("Secretary") concluded that Mr. Ortiz did not possess the necessary qualifications

to be admitted to practice before the Commission. On April 15, 2009, the Secretary notified Mr. Ortiz of the intent to deny his application for admission to practice before the Commission and the procedures permitting a request for a hearing. On April 29, 2009, Mr. Ortiz filed his request for a hearing on the issue.

The Order Initiating Proceeding (“Order”) was published in the Federal Register on August 4, 2009, 74 Fed. Reg. 38627. The Order directed Respondent and any intervenors in support of Respondent to submit a response, including affidavits of fact and memoranda of law, on or before September 4, 2009. The Commission’s Order also designated the Commission’s Bureau of Enforcement as a party and directed the Bureau and any intervenor opposing Respondent to submit rebuttal affidavits of fact and memoranda of law on or before October 5, 2009. A copy of the Order Initiating Proceeding was served on Respondent via Federal Express at his last known business address. The Federal Express package was received and signed for by Respondent on July 31, 2009. As of October 5, 2009, no petitions to intervene have been filed. Respondent has not filed affidavits of fact or memoranda of law. Notwithstanding actual and constructive notice, Respondent has defaulted on his obligation to prove his qualifications by failing to submit a memorandum of law and affidavit of fact supporting his position in response to the Commission’s July 30, 2009 order.

In view of Respondent’s default, the Bureau of Enforcement respectfully submits that the statement of facts set forth in the Commission’s Order Initiating Proceeding and the legal conclusions which the Commission proposes to draw from those facts are uncontested on the record of this proceeding.¹ The facts contained in the Commission’s Order Initiating Proceeding

¹ *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. (FMC 2003). See also *Adair v. Penn-Nordic Lines*, 26 SRR 11, 15 (ALJ, 1991) (“It is a familiar rule of evidence that a party having control of information bearing upon a disputed

are supported and supplemented by the attached Verified Affidavit (“Affidavit”) of Karen V. Gregory, Secretary of the Commission. The proposed findings of fact below, based on the Commission’s Order Initiating Proceeding and the Affidavit of Secretary Gregory, support the entry of a Commission order affirming the Secretary’s intent to deny Respondent’s application and issuing a denial of Respondent’s application to practice before the Commission.

II. PROPOSED FINDINGS OF FACT

- a. Mr. Ortiz is self-employed and maintains an office located at his residence, 4324 Belton Highway, Anderson, SC 29621. (BOE App. A, Form FMC-12, questions 2-3).
- b. On December 31, 2007, Mr. Ortiz filed a FMC Form-12, Application for Admission to Practice before the Commission, with the Office of the Secretary. (BOE App. B, Gregory Affidavit, Paragraph 5).
- c. The Form FMC-12 submitted by Mr. Ortiz was reviewed by the Secretary. It was determined, in light of all of the information provided therein, that Mr. Ortiz did not demonstrate that he possesses necessary qualifications to render valuable service before the Commission. The Form FMC-12 failed to show proof that he “is otherwise competent to advise and assist in the presentation of matters before it.” 46 C.F.R. §502.27 (BOE App. B, Gregory Affidavit, Paragraph 6).
- d. In addition to Form FMC-12, the Secretary reviewed recommendations submitted by Mr. Ortiz. The recommendations did not provide any information with respect to his subject matter expertise or qualifications to practice before the Commission as a non-lawyer. (BOE App. B, Gregory Affidavit, Paragraph 7).

issue may be given the burden of bringing it forward and suffering an adverse inference from failure to do so.”), citing *Alabama Power Co. v. F.P.C.*, 511 F.2d 383, 391 (DC Cir. 1974).

- e. By letter dated April 15, 2009, the Secretary informed Mr. Ortiz of the Commission's intent to deny his application for admission to practice before the Commission. The letter notified Mr. Ortiz of the right to file a request for a hearing on the matter. (BOE App. C, Commission letter dated April 15, 2009).
- f. On April 29, 2009, Mr. Ortiz submitted a letter to the Secretary and requested a hearing. (BOE App. D, letter dated April 29, 2009).
- g. At Mr. Ortiz's request, an Order Initiating Proceeding was served by the Commission on July 30, 2009. (BOE App. B, Gregory Affidavit, Paragraph 9).
- h. On July 31, 2009, Mr. Ortiz was served via Federal Express with a copy of the Commission's Order Initiating Proceeding. Mr. Ortiz signed for the Federal Express package. (BOE App. E, Federal Express receipt). To date, no response to the Order has been submitted.
- i. On August 4, 2009, notice of this proceeding was published in the Federal Register. 74 Fed. Reg. 38627 (2009). (BOE App. F, Federal Register Notice).

III. LEGAL ARGUMENT

The Commission allows for attorney and non-attorney practitioners. In order to be admitted to practice before the Commission as a non-attorney, Rule 27 of the Commission's Rules of Practice and Procedure, 46 C.F.R. §502.27, requires that the applicant file proof that he or she possesses, to the satisfaction of the Commission, "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 [it]." The Commission has delegated to the Secretary the authority to approve applications for permission to practice before the Commission and to issue admission certificates to approved applicants. 46 C.F.R. §501.24(a).

Further, if the Commission is not satisfied that the applicant has sufficient qualifications, it will notify the applicant and, if requested, the applicant will be granted a hearing “for the purpose of showing his or her qualifications.” 46 C.F.R. §502.29.

The Order sets forth the factual basis for the Commission’s action and specifically describes the legal conclusions and consequences fairly to be drawn from these facts. The Order is supported and supplemented by the Affidavit of Secretary Gregory attached hereto. The Commission’s order appropriately directs the Respondent, pursuant to his request for a hearing, to submit “affidavits of fact and memoranda of law” for the purpose of showing his qualifications to practice before the Commission.

Both the Secretary’s letter to Mr. Ortiz and the Order provides clear notice of the Commission’s assertion that Respondent does not possess the qualifications required to practice before the Commission and furnishes details sufficient to permit Respondent clearly to understand the basis of the Commission’s concerns and the necessity for him to furnish affidavits, documents or legal argument showing his qualifications.

The Respondent has defaulted on its obligation to show his qualifications by failing to submit a written response. It is appropriate that the Commission find that the Respondent has not met his burden of proof that he possesses the necessary qualifications to practice before the Commission and both affirm the Secretary’s intent to deny Mr. Ortiz admission to practice before the Commission as a non-attorney practitioner and deny Mr. Ortiz admission to practice before the Commission.

IV. CONCLUSION

The Bureau of Enforcement submits that the evidence is uncontested. Based upon the facts in the Commission’s Order and the accompanying Affidavit, the Bureau urges the

Commission to affirm the Secretary's intent to deny Mr. Ortiz admission to practice before the Commission as a non-attorney practitioner. The Bureau of Enforcement respectfully requests the Commission enter appropriate orders in accordance with the proposed findings of fact and the case law set forth above, and that this proceeding thereafter be discontinued.

Respectfully submitted,


Tara E. Nielsen, Trial Attorney
Bureau of Enforcement

Date: October 5, 2009

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon Respondent in FMC Docket No. 09-05 by Federal Express on October 5, 2009.


Tara E. Nielsen

BOE APPENDIX A

**APPLICATION FOR ADMISSION TO PRACTICE BEFORE THE
FEDERAL MARITIME COMMISSION**

All questions must be fully answered. If additional space is required, number items on plain white paper.

I hereby apply for admission to practice before the Federal Maritime Commission, under the rules for the registration of persons entitled to practice before the Commission, and submit the following:

1. Name (*Last, First, Middle Name or Initial*)

ORTIZ, USMM CAPT. LEONARDO

2. Business Address 4324 BELTON HWY
 ANDERSON, SC 29621

3. Residence Address SAME

4. Are you a citizen of the United States? (Check one)

Yes No

5. Date of Birth

09-22-1957

6. Place of Birth

HAVANA, CUBA

7. EDUCATION

(a) Name and location of high or preparatory schools	Dates Attended		Graduate	
	From	To	Yes	No
A.E. BEACH SAVANNAH, GA	1972	1975	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
(b) Name and location of colleges attended	Dates Attended		Degrees (if any)	
	From	To		
BRITISH-AMERICAN UNIV. SCHL OF LAW	1997	2001	JD	

8. Present occupation and employment (*Give dates*)

2001 - PRESENT: FEDERAL ADMINISTRATIVE LAW PRACTICE LIMITED TO SOCIAL SECURITY & LABOR.
SELF-EMPLOYED.

2003 - PRESENT: USCG LICENSED, US MERCHANT MARINE MASTER

9. Other occupation and employment during the last 5 years (*Give dates*)

1997 - 2005: LEONARDO ORTIZ INSURANCE & FINANCIAL SERVICES. COMPLETE, MULTI-LINES INSURANCE
AGENCY.

10. (a) Have you ever previously applied for admission to practice before the Federal Maritime Commission ?

(if "Yes," state when):

Yes

No

(b) Have you been admitted to practice before any other department, bureau, or commission of the United States Government?.....

(if "Yes," state details):

Yes

No

ADMITTED TO PRACTICE BEFORE SOCIAL SECURITY OHA: APRIL, 2001

ADMITTED TO PRACTICE BEFORE US DEPT. OF LABOR, OALJ: FEB, 2004

11. Have you been denied admission to practice, or been disbarred or suspended from practice before any court, department, bureau or commission of any State or the United States?.....

(if "Yes," explain fully):

Yes

No

12. (a) Describe fully what steps you have taken to familiarize yourself with (1) the provisions of the Shipping Act of 1984 and other shipping statutes administered by the Commission; and (2) the decisions of the courts, and of the Commission and its predecessors, with respect to matters now under the jurisdiction of the Commission.

STUDIED EXTENSIVELY SHIPPING ACT OF 1984, 72 COLREGS, 46 CFR, CASEBOOKS BY LUCAS, MARAIST, GALLIGAN, SHOENBAUM, JONES ACT, ETC. SINCE 2003.

(b) Describe fully your experience, if any, in conducting cases before other regulatory commissions, State or Federal.

SUCCESSFULLY FILED AND PREVAILED REPEATEDLY IN SOCIAL SECURITY DISABILITY AND LABOR MATTERS SINCE 2001. HAVE ASSISTED ATTORNEYS IN CRIMINAL, CONTRACTS, TORTS AND FED ADMIN LAW SINCE 1996.

13. State any additional facts to show that you have the necessary qualifications to render valuable services and are competent to advise and assist persons in proceedings before the Commission:

CURRENTLY DESIGNING AND BEGINNING IMPLEMENTATION OF A COMPREHENSIVE MENU OF ADMINISTRATIVE LAW COURSES (incl. Admiralty), AND PLACED ON FACULTY FOR BRITISH-AMERICAN UNIVERSITY SCHOOL OF LAW AS PROFESSOR OF LAW (specialty in Fed. Administrative Law).

14. Do you intend to engage:

(a) In general practice before the Commission?..... Yes No

(b) For a company of which you are an officer or regular employee?..... Yes No
(If "Yes" under (b), state name of company)

15. (a) Have you ever been employed by the Federal Maritime Commission or a predecessor agency?.....

(b) *If "Yes", state the following:*..... Yes No

Position Held	Date of Separation from Service	Reason for Separation

(c) Have you ever been an employee of any other agency of the United States Government?.....

(d) *If, "yes", state the following:*..... Yes No

Agency	Date of Appointment	Date of Separation	Reason for Separation

16. Have you ever been a defendant in a criminal prosecution or a proceeding based upon allegations of fraud?..... Yes No
 If "Yes", explain the circumstances and results:

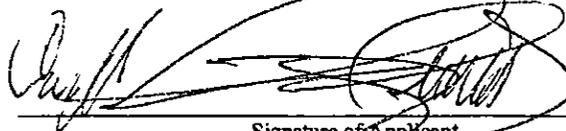
17. Give the name and business addresses of three persons, not relatives, who have knowledge of your experience, ability, and character. (Only one reference may be from a present business partner or associate.)

Full Name	Business Address	Business or Occupation
DAVID GANTT, ESQ.	PFEIFFER, GANTT, & GLEATON 200-A S. MAIN ST. GREENVILLE, SC 29601	ATTORNEY
SC STATE SEN. GLENN REESE	SENATOR GLENN REESE P.O. BOX 142 502 GRESSETTE BLDG. COLUMBIA, SC 29202	SC STATE SENATOR
JUDGE LAURENS C. LEE	JUDGE LAURENS C. LEE CHIEF MAGISTRATE 700 SPRUCE ST. FT. VALLEY, GA 31030	CHIEF MAGISTRATE ATTORNEY

"I declare under penalty of perjury that the statements in this application, to the best of my knowledge and belief, are true, correct, and complete."

12-19-2007

Date



Signature of Applicant

BOE APPENDIX B

FEDERAL MARITIME COMMISSION

DOCKET NO. 09-05

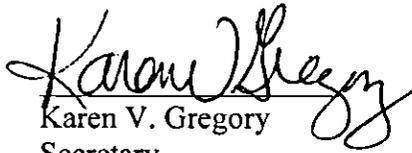
**APPLICATION OF LEONARDO ORTIZ FOR ADMISSION TO PRACTICE
BEFORE THE FEDERAL MARITIME COMMISSION**

VERIFIED AFFIDAVIT OF KAREN V. GREGORY

1. My name is Karen V. Gregory. I am the Secretary of the Federal Maritime Commission ("Commission"). I have held my current position since September 28, 2008. Prior to that, I served as the Assistant Secretary of the Commission.
2. The Commission permits non-attorney practitioners to practice before it provided the applicant is a U.S. citizen and meets the qualification requirement. 46 C.F.R. §502.27.
3. The Secretary has the delegated authority to approve applications for permission to practice before the Commission and to issue admission certificates to approved applicants. 46 C.F.R. §501.24(a).
4. Each applicant must file proof with the Office of the Secretary that he or she possesses, to the satisfaction of the Commission, the necessary qualifications to render valuable service before the Commission and that he or she is competent to advise and to assist in presenting matters before it. 46 C.F.R. §502.27.
5. On December 31, 2007, Mr. Ortiz filed a FMC Form-12, Application for Admission to Practice before the Commission, with the Office of the Secretary.

6. Mr. Ortiz's submission was thoroughly reviewed and I consulted with my staff members on the application and associated documents. In light of all of the information provided therein, I concluded that Mr. Ortiz did not demonstrate that he possesses the necessary qualifications to render valuable service before the Commission. Further, the Form FMC-12 failed to show proof that he "is otherwise competent to advise and assist in the presentation of matters before it."
7. As part of the determination process, I reviewed recommendations submitted by Mr. Ortiz. The recommendations did not provide any information with respect to his subject matter expertise or qualifications to practice before the Commission as a non-lawyer.
8. On April 15, 2009, I informed Mr. Ortiz in writing of the Commission's intent to deny his application for admission to practice before the Commission. Mr. Ortiz was likewise notified that he had the right to file a request for a hearing on the matter.
9. Subsequently, at Mr. Ortiz's request, an Order Initiating Proceeding was served by the Commission on July 30, 2009.
10. As of October 5, 2009, no affidavits of fact, memorandum of law, or subsequent proof of Mr. Ortiz's qualifications was provided to the Commission.
11. I certify, under the penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.

October 5, 2009


Karen V. Gregory
Secretary

BOE APPENDIX C



FEDERAL MARITIME COMMISSION

Office of the Secretary
800 North Capitol Street, N.W.
Washington, DC 20573-0001

Phone: (202) 523-5725
Fax: (202) 523-0014
E-mail: Secretary@fmc.gov

April 15, 2009

Captain Leonardo Ortiz
4324 Belton Hwy
Anderson, SC 29621

VIA FEDERAL EXPRESS

Dear Captain Ortiz:

In accordance with Rule 29 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.29, this letter provides notification of the Commission's intent to deny your application for admission to practice before the Commission. In order to be admitted to practice before the Commission as a non-attorney, Rule 27 of the Commission's Rules of Practice and Procedure (46 C.F.R. §502.27) requires that the applicant possesses, to the satisfaction of the Commission, "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 [it]." Based on information you have provided with your application, and other information publicly available, it has been determined that you have not demonstrated the necessary qualifications to render services as a practitioner as required by Rule 29.

You have indicated on your application that you attended the British-American University School of Law and earned a Juris Doctor. However, we understand that you have not been admitted to any Federal, State or Territorial Court of the United States and, therefore, do not qualify as an attorney under Rule 26 of the Commission's Rules of Practice and Procedure, 46 C.F.R. §502.26. Further, it appears from the American Bar Association website, as well as the school's website, that the school is neither approved, nor provisionally accredited, by the ABA.

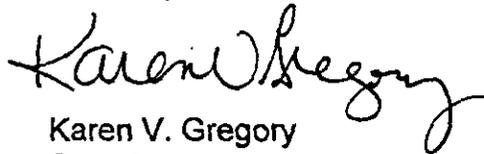
Our assessment of your legal academic credentials also provides no reliable basis for assessing your qualifications relating to practice before the Commission. Similarly, your work experience does not provide any insight as to your ability to render valuable service on matters before the Commission. Though you have indicated in your application that you are a U.S. Coast Guard licensed "US Merchant Marine Master," there is no indication that either your education or any experience you have had in that capacity has provided you with the requisite experience to handle matters before the Commission.

You indicate in your application that you have assisted attorneys in criminal, contracts, torts, and Federal administrative law since 1996 but have not explained how those actions make you qualified to practice before the Commission. You also attach a copy of a proposed curriculum of two Admiralty courses that you apparently propose to teach at the British-American University School of Law. This curriculum, and the study of admiralty law, however, is not relevant to acting as a non-lawyer practitioner before the Commission nor does it separately provide you with any qualifications to be admitted to practice as a non-lawyer.

Likewise, the recommendation(s) you have submitted with your application do not provide any information with respect to your qualifications to be admitted to practice before the Commission as a non-lawyer. They can be received only as statements related to your good character generally, rather than your professional qualifications to act on behalf of persons on matters at the Commission.

Accordingly, you are hereby notified of the intent of the Commission to deny your application to be admitted as a non-attorney practitioner. In accordance with the Commission's procedures in Rule 29, you may request a hearing, in writing, within twenty (20) days of receipt of this letter. The request must be submitted to the Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573. If you do not request a hearing within the twenty (20) day period, the denial of your application shall be deemed final.

Sincerely,



Karen V. Gregory
Secretary

BOE APPENDIX D

Capt. Leonardo Ortiz

ID • DD • MsD
4324-G Belton Hwy
Anderson, SC 29621

RECEIVED

2009 APR 29 10:16

864.202.8634

Administrative Law
Professor Emeritus
www.ssabenefit.com

FEDERAL

04-29-2009

TO: Office of the Secretary
Federal Maritime Commission
800 N. Capitol St NW
Washington, DC 20573

ATTN: Karen V. Gregory, Secretary

FR: Capt. Leonardo Ortiz

RE: Request for Hearing

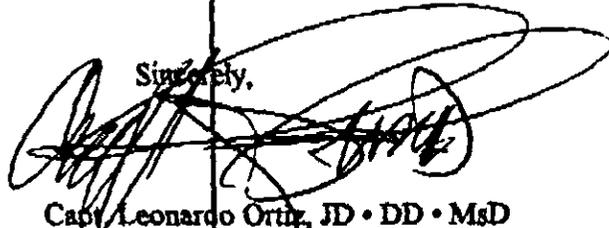
Dear Secretary Gregory;

Pursuant to Rule 29, I disagree with the decision by the Secretary in re denial of admission to practice as a non-attorney; therefore, I request a hearing before an ALJ.

Please send me a CD copy of my file in your office so that I may begin to prepare for the hearing. Moreover, I would appreciate a timely notification of the name of the assigned Administrative Law Judge and hearing office address in order that I may be able to submit my brief and a Motion in Request For A Fully Favorable Decision by the assigned ALJ.

Should you wish to reconsider the flawed arguments made for denial, or should you have any comments, questions, or concerns, please feel welcomed to contact me at your earliest convenience.

Sincerely,



Capt. Leonardo Ortiz, JD • DD • MsD

*SERVICE OF PROCESS BY DELIVERY BY ADDRESS:
MAILED BY 1ST CLASS USPS, PROPER POSTAGE AFFIXED,
ON 04-29-2009
AND BY FAX TO (202) 523-0914 ON 04-29-2009 @ 1407 HRS.*

BOE APPENDIX E

Detailed Results

Enter tracking number

Detailed Results	Notifications
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Tracking no.: 869866047899 E-n

Delivered

Initiated Picked up In transit **Delivered**

Delivered
Signed for by: L.ORTIZ

Shipment Dates	Destination
Ship date Jul 30, 2009	Signature Proof of Delivery
Delivery date Jul 31, 2009 11:09 AM	

Shipment Facts

Service type	Standard Envelope	Delivered to	Receptionist/Front Des
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Shipment Travel History

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All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Jul 31, 2009 11:09 AM	Delivered		
Jul 31, 2009 8:45 AM	On FedEx vehicle for delivery	ANDERSON, SC	
Jul 31, 2009 8:05 AM	At local FedEx facility	ANDERSON, SC	
Jul 31, 2009 6:34 AM	At dest sort facility	GREER, SC	
Jul 31, 2009 4:47 AM	Departed FedEx location	MEMPHIS, TN	
Jul 31, 2009 12:16 AM	Arrived at FedEx location	MEMPHIS, TN	
Jul 30, 2009 8:45 PM	Left FedEx origin facility	WASHINGTON, DC	
Jul 30, 2009 5:56 PM	Picked up	WASHINGTON, DC	

BOE APPENDIX F

contact labor and management quickly, efficiently, and offer dispute resolution services. Either party to a contract may make a request in writing for a copy of the notice filed with FMCS. The F-7 form was created to allow FMCS to gather desired information in a uniform manner. The collection of such information, including the name of the employer or employer association, address and phone number, e-mail address, official contact, bargaining unit and establishment size, location of affected establishment and negotiations, industry, union address, phone number, e-mail address and official contact, contract expiration date or renewal date, whether the notice is filed on behalf of the employer or the union, and whether this is a health care industry notice is critical for reporting and mediation purposes.

Burden Statement: The current annual burden estimate is approximately 18,000 respondents. This one-page form takes about 10 minutes to complete.

II. Request for Comments

FMCS solicits comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information to be collected will have practical utility.

(ii) Enhance the accuracy of the agency's estimates of the burden of the proposed collection of information.

(iii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic collection technologies or other forms of information technology.

III. The Official Record

The official record is the paper electronic record maintained at the address at the beginning of this document. FMCS will transfer all electronically received comments into printed-paper form as they are received.

Dated: July 30, 2009.

Michael J. Bartlett,
Deputy General Counsel.

[FR Doc. E9-18579 Filed 8-3-09; 8:45 am]
BILLING CODE 6732-01-P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 p.m., Monday, August 10, 2009.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202-452-2955.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Board of Governors of the Federal Reserve System, July 31, 2009.

Robert deV. Frierson,
Deputy Secretary of the Board.

[FR Doc. E9-18757 Filed 7-31-09; 4:15 pm]

BILLING CODE 6210-01-S

FEDERAL MARITIME COMMISSION

[Docket No. 09-05]

Application of Leonardo Ortiz for Admission To Practice Before the Federal Maritime Commission; Order Initiating Proceeding

On December 31, 2007, Respondent Leonardo Ortiz ("Mr. Ortiz") filed his Application for Admission to Practice before the Federal Maritime Commission ("Form FMC-12"). According to his application, Mr. Ortiz is self-employed. His business is located at 4324 Belton Highway, Anderson, SC 29621.

The Federal Maritime Commission ("Commission") allows for attorney and non-attorney practitioners. In order to be admitted to practice before the

Commission as a non-attorney, Rule 27 of the Commission's Rules of Practice and Procedure, 46 CFR § 502.27, requires that the applicant file proof that he or she possesses, to the satisfaction of the Commission, "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 [it]." Further, if the Commission is not satisfied that the applicant has sufficient qualifications, it will notify the applicant and, if requested, the applicant will be granted a hearing "for the purpose of showing his or her qualifications." 46 CFR 502.29.

After reviewing his application, the Commission determined that Mr. Ortiz did not demonstrate that he possesses the qualifications required to practice before the Commission.¹ On April 15, 2009, the Secretary of the Commission notified Mr. Ortiz of the Commission's intent to deny his application for admission to practice before it and the procedures permitting a request for a hearing. On April 29, 2009, Mr. Ortiz filed his request for a hearing on the issue.

Now therefore, it is ordered that pursuant to Rule 29 of the Commission's Rules of Practice and Procedure, 46 CFR 502.29, the Commission institute a proceeding for the purpose of allowing Mr. Ortiz to show his qualifications to practice before it as a non-lawyer;

It is further ordered that this matter be heard before the Commission;

It is further ordered that this proceeding is limited to the submission of affidavits of fact and memoranda of law;

It is further ordered that any person having an interest and desiring to intervene in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72. Such petition shall be accompanied by the petitioner's memorandum of law and affidavit of fact, if any, and shall be filed no later than the day fixed below;

It is further ordered that Leonardo Ortiz is named as Respondent in this proceeding. Affidavits of fact and memoranda of law shall be filed by the Respondent and any intervenors in support of the Respondent no later than September 4, 2009;

¹ Pursuant to 46 CFR 501.24(a), the Commission has delegated to the Secretary the authority to approve applications for permission to practice before the Commission and to issue admission certificates to approved applicants.