

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,751

IN THE MATTER OF:

Served December 16, 2008

ABDELMAGID KAHLIEL HAMID KHALIEL, )  
Trading as EMANCO TRANS, Suspension )  
and Investigation of Revocation of )  
Certificate No. 923 )

Case No. MP-2008-217

Application of EMANCO TRANSPORTATION )  
INC to Acquire Certificate No. 923 )  
from ABDELMAGID KAHLIEL HAMID )  
KHALIEL, Trading as EMANCO TRANS )

Case No. AP-2007-016

EMANCO TRANSPORTATION INC and )  
ABDELMAGID KAHLIEL HAMID KHALIEL, )  
Trading as EMANCO TRANS, )  
WMATC NO. 923, Investigation of )  
Violation of the Compact, )  
Article XI, Sections 5(a) and 11(b), )  
and Regulation No. 58, and Order )  
No. 10,504 )

Case No. MP-2007-245

These matters are before the Commission on the failure of Abdelmagid Kahliel Hamid Khaliel, trading as Emanco Trans, to fully comply with Order No. 11,413, served June 13, 2008, and respond to Order No. 11,598, served September 26, 2008.

**I. BACKGROUND**

Order No. 11,413, issued in Case Nos. AP-2007-016 and MP-2007-245, directed Mr. Khaliel and Emanco Transportation Inc, (ETI), to pay a \$750 forfeiture and produce certain documents. The order also directed Mr. Khaliel to present for inspection by Commission staff all vehicles in his possession, custody or control. The order further gave ETI and Mr. Khaliel thirty days to show cause why the Commission should not assess an additional civil forfeiture, and/or suspend or revoke Certificate No. 923, for knowing and willful violation of Article XI, Section 5(a), of the Compact and Commission Order Nos. 10,503 and 10,504.

Order No. 11,598, issued in Case No. MP-2008-217, noted the termination of Mr. Khaliel's WMATC Insurance Endorsement on September 26 and the consequent automatic suspension of Certificate No. 923 pursuant to Regulation No. 58-12. The order directed Mr. Khaliel to file the necessary replacement endorsement(s) and pay the \$50 late fee due under Regulation No. 67-03(c), within thirty days or face revocation of Certificate No. 923.

## II. RESPONSE

ETI and Mr. Khaliel paid the forfeiture assessed in Order No. 11,413 and produced the documents required by Order No. 11,413. Mr. Khaliel, however, has yet to present the vehicles required by Order No. 11,413 and has yet to respond to Order No. 11,598.

## III. ASSESSMENT OF FORFEITURE AND REVOCATION OF AUTHORITY

A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.<sup>1</sup>

The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate.<sup>2</sup>

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.<sup>3</sup> The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by intentional or careless disregard or plain indifference.<sup>4</sup>

We shall assess a civil forfeiture of \$1,000 against Mr. Khaliel for failing to present vehicles as directed by Order No. 11,413.<sup>5</sup>

We shall also assess a civil forfeiture of \$500 against Mr. Khaliel for operating an unsafe vehicle in knowing and willful violation of Article XI, Section 5(a), of the Compact.<sup>6</sup> Order No. 11,413 noted the lack of evidence that Mr. Khaliel's 1999 Chevy Astro had passed a safety inspection before Mr. Khaliel placed it in service in 2007. There was only evidence of an inspection in May 2008. Mr. Khaliel has filed copies of vehicle safety inspection certificates for that vehicle to counter this finding, but the dates of inspection are illegible.

We shall further assess a civil forfeiture of \$500 against Mr. Khaliel for commingling assets with Carrier No. 910 in knowing and

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<sup>1</sup> Compact, tit. II, art. XIII, § 6(f).

<sup>2</sup> Compact, tit. II, art. XI, § 10(c).

<sup>3</sup> *In re Heaven on Wheels LLC*, No. MP-07-238, Order No. 11,641 (Oct. 24, 2008).

<sup>4</sup> *Id.*

<sup>5</sup> See *Metro Health-Tech Servs., Inc.*, No. MP-08-057, Order No. 11,677 (Nov. 12, 2008) (assessing \$1,000 for failure to present vehicles).

<sup>6</sup> See *In re VOCA Corp. of Wash., D.C.*, No. MP-02-30, Order No. 7258 (June 20, 2003) (assessing \$500 for operating unsafe vehicles).

willful violation of Commission Order Nos. 10,503 and 10,504." Those orders admonished Carrier Nos. 923 and 910 to keep each other's "assets, books, finances and operations completely separate." As noted in Order No. 11,413, the record is clear that a check payable to Carrier No. 923 was deposited into the checking account of Carrier No. 910.

Finally, we shall revoke Certificate No. 923 for Mr. Khaliel's failure to replace the WMATC Insurance Endorsement that terminated September 26, 2008, and failure to pay the \$50 late fee under Regulation No. 67-03(c). The \$50 fee shall remain due.

THEREFORE, IT IS ORDERED:

1. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against Mr. Khaliel in the amount of \$2,000 for knowingly and willfully violating Article XI, Section 5(a), of the Compact, and Order Nos. 10,503, 10,504, and 11,413.

2. That Mr. Khaliel is hereby directed to pay to the Commission within thirty days of the date of this order, by money order, certified check, or cashier's check, the sum of two thousand dollars (\$2,000).

3. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 923 is hereby revoked for Mr. Khaliel's willful failure to comply with Regulation Nos. 58 and 67-03(c).

4. That within 30 days from the date of this order Mr. Khaliel shall:

- a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
- b. file a notarized affidavit with the Commission verifying compliance with the preceding requirement; and
- c. surrender Certificate No. 923 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>7</sup> Cf., *In re Old Town Trolley Tours of Wash., Inc., & D.C. Ducks, Inc.*, No. AP-96-44, Order No. 5053 (Apr. 2, 1997) (assessing \$500 civil forfeiture for operating property of another WMATC carrier without commission approval); *In re Carey Limo. D.C., Inc., & ADV Int'l Corp., t/a Moran Limo. Serv.*, No. AP-94-53, Order No. 4499 (Feb. 16, 1995) (same).