

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,982

IN THE MATTER OF:

Served September 19, 2011

Application of DANTE'S)
TRANSPORTATION LLC for a) Case No. AP-2010-136
Certificate of Authority --)
Irregular Route Operations)

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If this standard has not been met, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.¹ A determination of compliance fitness is prospective in nature.² The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.³ Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.⁴ The past conduct of an applicant's owners and officers is relevant to a determination of applicant's compliance fitness.⁵

This is the second application filed by applicant's president/owner, Bassirou A. Dante. The first application was filed

¹ *In re HP Transp. Servs., Inc.*, No. AP-08-157, Order No. 11,697 (Nov. 19, 2008).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

in 2008 in the name of C.P.R. Medical Transportation LLC.⁶ Mr. Dante signed the application and identified himself in that proceeding as "General Manager" of C.P.R. In June 2009, Mr. Dante filed a change of address notice for C.P.R. and identified himself again as "General Manager". In April 2010, Mr. Dante filed change of address and designation of agent forms on behalf of C.P.R. and identified himself as "Founder and President" in both. Finally, in July 2010, Mr. Dante filed a change of address form and a designation of agent form on behalf of C.P.R. and identified himself as "President" in both.

In the meantime, in June 2010, the Commission initiated an investigation of C.P.R.'s operations during the period of time Mr. Dante was self-identified as general manager and president. The Commission eventually found that C.P.R. had knowingly and willfully violated the Compact and Commission regulations during Mr. Dante's tenure.⁷ When asked in this proceeding about his role at C.P.R. when those violations were committed, Mr. Dante replied: "I was never in charge of C.P.R. Medical Transportation LLC WMATC #1551, I was only a driver."

Obviously, Mr. Dante's statements in 2008, 2009, and 2010 regarding his status at C.P.R. cannot be reconciled with his statement in this proceeding. Either he was in charge when the violations occurred and fails to accept responsibility, or he committed fraud on the Commission when he filed the C.P.R. application, change of address, and change of agent forms. In either event, on this record, we cannot say that applicant has established regulatory compliance fitness.⁸

THEREFORE, IT IS ORDERED that the application of Dante's Transportation LLC for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.
Executive Director

⁶ *In re C.P.R. Medical Transp. LLC*, No. AP-08-106, Order No. 11,514 (August 7, 2008).

⁷ *In re C.P.R. Medical Transp. LLC*, No. MP-10-053, Order No. 12,872 (June 1, 2011).

⁸ See Order No. 11,697 (denying application for failure of applicant's CEO to accept responsibility for past violations); *In re Double Decker Bus Tours, W.D.C., Inc.*, No. AP-95-21, Order No. 5963 (Aug. 15, 2000) (declaring that falsification of records submitted to Commission constitutes grounds for denying application).