

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,310

IN THE MATTER OF:

Served June 12, 2012

GIRONS TRANSPORTATION SERVICE LLC,)
WMATC No. 1863, Investigation of)
Violation of Seating Capacity)
Restriction)

Case No. MP-2012-063

This investigation is being initiated to determine whether respondent has violated the seating capacity restriction in Certificate No. 1863.

I. BACKGROUND

Certificate of Authority No. 1863 authorizes respondent to transport passengers for hire between points in the Metropolitan District in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Respondent's 2012 annual report, filed April 26, 2012, lists a single vehicle - a 2003 Ford with a seating capacity of 25 persons. The report explains that respondent's previous vehicle has been sold.

Commission staff noticed the apparent violation and promptly informed respondent in writing via certified mail that operation of the 25-passenger vehicle violates the 15-person seating capacity restriction in Certificate No. 1863. Staff's letter advised respondent to file on or before May 14, 2012, an application to remove the seating capacity restriction from Certificate No. 1863 or proof that said vehicle has been removed from service. Respondent did not respond.

Records obtained from the Maryland Motor Vehicle Administration appear to indicate that this vehicle has been registered to respondent since October 25, 2011.

II. AUTHORITY TO INITIATE INVESTIGATION

The Commission may investigate on its own motion a fact, condition, practice, or matter to determine whether a person has violated or will violate a provision of the Compact or a rule, regulation, or order.¹ For the purpose of an investigation or other proceeding under the Compact, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence,

¹ Compact, tit. II, art. XIII, § 1(c).

memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.² The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.³

If the Commission finds that a person has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.⁴

III. ORDER TO CEASE AND DESIST

Inasmuch as respondent lacks authority to operate the 25-passenger vehicle listed in respondent's 2012 annual report, respondent shall be directed to cease and desist from transporting passengers for-hire between points in the Metropolitan District in vehicles seating more than 15 persons, including the driver.

IV. ORDER TO SHOW CAUSE

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.⁵

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.⁶ Each day of the violation constitutes a separate violation.⁷

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.⁸ 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.⁹

Respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondent and/or suspend or revoke Certificate No. 1863 for respondent's violation of the

⁴ Compact, tit. II, art. XIII, § 1(e).

³ Compact, tit. II, art. XII, § 1(b).

⁴ Compact, tit. II, art. XIII, § 1(d).

⁵ Compact, tit. II, art. XI, § 10(c).

⁶ Compact, tit. II, art. XIII, § 6(f)(i).

⁷ Compact, tit. II, art. XIII, § 6(f)(ii).

⁸ *In re Metro Health-Tech Servs. Inc.*, No. MP-08-057, Order No. 11,588 (Sept. 24, 2008).

⁹ *Id.*

seating capacity restriction in Certificate No. 1863 since October 25, 2011.

THEREFORE, IT IS ORDERED:

1. That an investigation of respondent and its operations within the Washington Metropolitan Area Transit District is hereby initiated pursuant to Article XIII, Section 1, of the Compact.

2. That respondent is hereby directed to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District in vehicles seating more than 15 persons, including the driver.

3. That respondent is hereby directed to produce within 15 days: (1) a complete list of vehicles in its possession, custody, or control; (2) copies of the for-hire registration cards for those vehicles; and (3) a copies of the current safety inspection certificates for those vehicles.

4. That respondent is hereby directed to present all of its vehicles for inspection by Commission staff within 30 days.

5. That within 30 days, respondent shall show cause why a civil forfeiture should not be assessed against respondent, and/or why Certificate of Authority No. 1863 should not be suspended or revoked, for knowingly and willfully violating the seating capacity restriction in Certificate of Authority No. 1863 since October 25, 2011.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.
Executive Director