

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,897

IN THE MATTER OF:

Served May 7, 2013

TO FAX INC, Suspension and )  
Investigation of Revocation of )  
Certificate No. 1588 )

Case No. MP-2012-111

This matter is before the Commission on respondent's failure to respond to Order No. 13,731, served February 7, 2013, directing respondent to submit a statement verifying cessation of operations as of December 12, 2012, and corroborate the statement with copies of respondent's pertinent business records and a statement from respondent's principal client.

**I. BACKGROUND**

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1588 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1588 was rendered invalid on December 12, 2012, when the \$1 million primary and \$500,000 excess WMATC Insurance Endorsements on file for respondent terminated without replacement. Order No. 13,625, served December 12, 2012, noted the automatic suspension of Certificate No. 1588 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1588, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1588.

Respondent thereafter paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 13,731, but because the effective date of the new endorsement is January 4, 2013, instead of December 12, 2012, the

---

<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

order gave respondent 30 days to verify cessation of operations as of December 12, 2012, in accordance with Regulation No. 58-14. The statement was to be corroborated by copies of respondent's pertinent business records and a statement from Medical Transportation Management, Inc., (MTM), respondent's principal client of record.

Respondent has yet to respond.

## II. ORDER TO SHOW CAUSE

Considering that respondent has not denied operating its vehicle(s) on and after the suspension date, and considering that respondent has failed to produce the required documents, 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. 1588, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.<sup>3</sup>

THEREFORE, IT IS ORDERED:

1. That 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. 1588, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

2. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:



William S. Morrow, Jr.  
Executive Director

---

<sup>3</sup> See *In re Olalekan Salami, t/a Startime Ventures*, No. MP-08-147, Order No. 11,690 (Nov. 19, 2008) (same).