

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,471

IN THE MATTER OF:

Served January 8, 2014

CHRISTOPHER STARGHILL, Trading as ) Case No. MP-2013-029  
STARGHILL LIMOUSINE AND SEDAN )  
SERVICES, Suspension and )  
Investigation of Revocation of )  
Certificate No. 1248 )

This matter is before the Commission on respondent's failure to respond to Order No. 14,257, served October 1, 2013, which gave respondent 30 days to verify cessation of operations in the Metropolitan District - (1) from February 17, 2013, to April 25, 2013, personally; and (2) at any time, as to any entity controlled by respondent - and which gave respondent 30 days to corroborate said verifications with copies of pertinent business records.

**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." A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1248 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. 1248 was rendered invalid on February 17, 2013, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 13,744, served February 19, 2013, noted the automatic suspension of Certificate No. 1248 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1248, 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. 1248.

Respondent subsequently paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 13,883, on April 25, 2013, but because the effective date of the new endorsement is April 15, 2013, instead of February 17, 2013, the order gave respondent 30 days to verify

cessation of operations as of February 17, 2013, in accordance with Regulation No. 58-14. And because respondent's only tariff is for service rendered to the public, the order gave respondent 30 days to corroborate the verification with copies of respondent's pertinent business records. Respondent did not respond.

Considering that respondent had not denied operating its vehicle(s) on and after the suspension date, and considering that respondent had failed to produce the required documents, WMATC Order No. 14,127, served August 7, 2013, gave respondent 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1248, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

## **II. RESPONSE TO ORDER NO. 14,127**

Respondent submitted a statement on August 26, 2013. The statement is dated August 22, 2013, and reads in pertinent part as follows:

This is a response to the matter before the commission in failure to submit appropriate documents to show that SLSS #1248 was not operative from February 17, 2013 until April 25, 2013.

SLSS #1248 would like to apologize for not providing these documents in a timely fashion. We did not know that this matter was before us. We thought it was understood automatically with no insurance there is no operations. Hopefully, the reflections of bank statements provided will show that SLSS #1248 business was not operative during the tenure of the order at hand.

The statement is accompanied by checking account statements covering the period from February 1, 2013, through April 30, 2013. The statements, however, identify the account owner as "Starghills Limousines and Sedan Svcs LLC", not Christopher Starghill, trading as Starghill Limousine and Sedan Services, the holder of WMATC Certificate No. 1248.

## **III. PRELIMINARY FINDINGS STATED IN ORDER No. 14,257**

The following findings appear in Order No. 14,257:

Records obtained from the District of Columbia Department of Consumer and Regulatory Affairs (DCRA)<sup>1</sup> confirm the existence of Starghill's Limousine and Sedan Services LLC since November 17, 2006. The LLC's address on file with DCRA matches respondent's address on file with WMATC: 2511 Brentwood Road, N.E., Washington, DC 20018.

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<sup>1</sup> <https://corp.dcr.dc.gov>.

The bank records belatedly produced by respondent, therefore, are, at best, some evidence that the LLC did not operate from February 1, 2013, through April 30, 2013. They do not establish that respondent did not operate while suspended from February 17, 2013, to April 25, 2013, and uninsured from February 17, 2013, to April 15, 2013.

What the bank statements tend to establish is the possibility that respondent is conducting illegal operations through the LLC at this time and/or has done so in the past.<sup>2</sup> This is particularly evident in light of respondent's August 22 statement having been submitted in his self-described capacity as *President of Starghill's Limousine & Sedan Services*, instead of the *operator of Starghill Limousine and Sedan Services*.

Two WMATC Insurance Endorsements filed in April of this year add further weight. The first was filed on April 16, 2013, in the name of "Starghill's Limousine & Sedan Services Inc." The second was filed on April 25, 2013, in the name of "Christopher Starghill T/A Starghill Limousine and Sedan Services, Inc."

#### **IV. OPPORTUNITY TO SUPPLEMENT RECORD**

When the signatories and Congress approved the Compact, they designated noncompliance with Commission insurance requirements as the single offense that would automatically invalidate a certificate of authority.<sup>3</sup> "They could not have sent a clearer message that maintaining proper insurance coverage is of paramount importance under the Compact."<sup>4</sup> If the record shows [a] carrier operated while suspended and uninsured or underinsured, the Commission will issue an order assessing a civil forfeiture and revoking the carrier's operating authority."<sup>5</sup>

Order No. 14,257 accordingly directed respondent to produce copies of ALL of RESPONDENT'S business records from December 1, 2012, through April 25, 2013, and to produce copies of ALL business records maintained by Starghills Limousines and Sedan Svcs LLC, and any other entities controlled by respondent, from inception to date.

Respondent was cautioned that failure to produce ALL records responsive to Order No. 14,257 would result in assessment of a forfeiture against respondent and revocation of WMATC Certificate No. 1248.

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<sup>2</sup> A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority. Compact, tit. II, art. XI, § 11(b).

<sup>3</sup> Compact, tit. II, art. XI, § 7(g).

<sup>4</sup> *In re Couples, LLC, t/a Couples Limos.*, No. MP-09-134, Order No. 12,330 (Mar. 8, 2010); *In re Skyhawk Logistics, Inc.*, No. MP-09-044, Order No. 12,101 (July 24, 2009); *In re Westview Med. & Rehab. Servs., P.C. Inc.*, No. MP-07-070, Order No. 10,882 (Nov. 2, 2007).

<sup>5</sup> *In re Rulemaking to Amend Rules of Prac. & Proc. & Regs.*: Reg. No. 58, No. MP-08-017, Order No. 11,077 at 11 (Jan. 14, 2008).

Respondent has yet to respond, and respondent's WMATC Insurance Endorsement has been cancelled without replacement effective November 30, 2013.

**V. 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>6</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>7</sup>

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

We will assess a forfeiture of \$250 for respondent's knowing and willful failure to produce documents as directed by Order Nos. 13,883 and 14,257.<sup>10</sup>

In addition, we shall revoke Certificate No. 1248 for respondent's willful failure to comply with Regulation No. 58 and the orders issued in this proceeding.

THEREFORE, IT IS ORDERED:

1. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against respondent in the amount of \$250 for knowingly and willfully failing to produce documents as directed by Order Nos. 13,883 and 14,257.

2. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 1248 is hereby revoked for respondent's willful failure to comply with Regulation No. 58 and the orders issued in this proceeding.

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

<sup>7</sup> Compact, tit. II, art. XI, § 10(c).

<sup>8</sup> *In re Epps Transp. Co., Inc.*, No. MP-08-124, Order No. 11,935 at 3 (Apr. 9, 2009).

<sup>9</sup> *Id.* at 3.

<sup>10</sup> *See id.* at 3 (same).

3. That within 30 days from the date of this order respondent shall:

a. pay to the Commission by money order or check, the sum of two hundred fifty dollars (\$250);

b. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;

c. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and

d. surrender Certificate No. 1248 to the Commission.

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



William S. Morrow, Jr.  
Executive Director