

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,812

IN THE MATTER OF:

Served June 5, 2014

DEREJE BOGALE WORBELO, Trading as)
WORBELO LIMO SERVICE, Suspension)
and Investigation of Revocation of)
Certificate No. 2290)

Case No. MP-2014-005

This matter is before the Commission on respondent's response to Order No. 14,543, served February 4, 2014.

I. BACKGROUND

Certificate No. 2290 was automatically suspended on January 11, 2014, pursuant to Regulation No. 58-12 when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 14,476, served January 13, 2014, noted the automatic suspension of Certificate No. 2290, directed respondent to cease transporting passengers for hire under Certificate No. 2290, and gave respondent thirty 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. 2290.

Respondent paid the late fee on January 30, 2014, and submitted a \$1.5 million primary WMATC Insurance Endorsement on February 3, 2014, and the suspension was lifted in Order No. 14,543, on February 4, 2014, but because the effective date of the new endorsement was January 23, 2014, instead of January 11, 2014 - thereby creating a 12-day coverage gap - Order No. 14,543 gave respondent until March 6, 2014, to submit a statement verifying cessation of operations as of January 11, 2014, as corroborated by copies of respondent's pertinent business records, in accordance with Regulation No. 58-14.

II. RESPONSE

Respondent has produced no statement regarding cessation of operations. Respondent, however, has produced a new \$1.5 million WMATC Insurance Endorsement with an effective date of January 10, 2014, which eliminates the 12-day gap created by the Endorsement filed February 3, 2014.

But elimination of the coverage gap does not alter the fact that Certificate No. 2290 was suspended from January 11, 2014, through February 3, 2014.

Copies of respondent's business records indicate that respondent's passenger carrier operations continued unabated throughout the entire suspension period.

III. ORDER TO SHOW CAUSE

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.¹ Each day of the violation constitutes a separate violation.²

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.³

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.⁴ The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by careless disregard of whether or not one has the right so to act.⁵

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. 2290, for knowingly and willfully transporting passengers for hire between points in the Metropolitan District while suspended from January 11, 2014, through February 3, 2014.

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 for knowingly and willfully violating Article XI, Section 6(a), of the Compact and Regulation No. 58.

2. That respondent shall have 30 days to show cause why the Commission should not suspend or revoke Certificate No. 2290 for respondent's willful failure to comply with Article XI, Section 6(a), of the Compact and Regulation No. 58.

3. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds

¹ Compact, tit. II, art. XIII, § 6(f)(i).

² Compact, tit. II, art. XIII, § 6(f)(ii).

³ Compact, tit. II, art. XI, § 10(c).

⁴ *In re Grace Transp. Servs., Inc.*, No. MP-13-053, Order No. 14,470 (Jan. 8, 2014).

⁵ *Id.*

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 BROWN:

A handwritten signature in black ink, appearing to read "W.S. Morrow, Jr.", written in a cursive style.

William S. Morrow, Jr.
Executive Director