

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,049

IN THE MATTER OF:

Served September 12, 2014

FIKRE A MAMO, Trading as DMV LIMO,)
Suspension and Investigation of)
Revocation of Certificate No. 2070)

Case No. MP-2014-008

This matter is before the Commission on respondent's response to Order No. 14,621, served in this proceeding on March 10, 2014.

I. BACKGROUND

Certificate No. 2070 was automatically suspended on January 17, 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. 14,483, served in this proceeding on January 17, 2014, noted the automatic suspension of Certificate No. 2070 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 2070, 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. 2070.

Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on January 20, 2014, but that endorsement was not acceptable because the carrier address appearing on the endorsement did not match any address for respondent on file with the Commission, as required by Commission Regulation No. 58-04(b). Respondent subsequently paid the late fee on February 19, 2014, and filed an acceptable \$1.5 million primary WMATC Insurance Endorsement on February 20, 2014, and the suspension was lifted in Order No. 14,621, on March 10, 2014, but because the effective date of the new endorsement was February 19, 2014, instead of January 17, 2014 - thereby creating a 33-day coverage gap - Order No. 14,621 gave respondent until April 9, 2014, to submit a statement verifying cessation of operations as of January 17, 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 17, 2014, which eliminates the 33-day gap created by the Endorsement filed February 20, 2014.

But elimination of the coverage gap does not alter the fact that Certificate No. 2070 was suspended from January 17, 2014, through March 9, 2014.

A copy of respondent's passenger trip manifest for the period beginning December 28, 2013, and ending March 10, 2014, indicates that respondent transported passengers for hire between points in the Metropolitan District on 30 separate days during the 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. 2070, for knowingly and willfully transporting passengers for hire between points in the Metropolitan District while suspended from January 17, 2014, through March 9, 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. 2070 for respondent's willful failure to comply with Article XI, Section 6(a), of the Compact and Regulation No. 58.

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.*

3. That respondent may request an oral hearing in this matter by submitting within 15 days from the date of this order a written request that specifies the grounds for the request, describes the evidence to be adduced, and explains 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