

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,267

IN THE MATTER OF:

Served December 30, 2014

DANIEL M MANNA, Trading as DANIEL)
MANNA LIMO SERVICE, Suspension and)
Investigation of Revocation of)
Certificate No. 2158)

Case No. MP-2014-027

This matter is before the Commission on respondent's response to Order No. 14,946, served July 25, 2014.

I. BACKGROUND

Certificate No. 2158 was automatically suspended on February 18, 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. 14,571, served February 18, 2014, noted the automatic suspension of Certificate No. 2158, directed respondent to cease transporting passengers for hire under Certificate No. 2158, 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. 2158.

Respondent paid the \$100 late fee on February 21, 2014, but did not timely submit a replacement WMATC Endorsement, and Certificate No. 2158 was revoked on June 5, 2014, in Order No. 14,814. Respondent subsequently filed an acceptable \$1.5 million primary WMATC Endorsement and timely filed an application for reconsideration of the revocation of Certificate No. 2158.

The effective date of the replacement endorsement is June 9, 2014, instead of February 18, 2014. Under Regulation No. 58-14:

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

In Order No. 14,946, served July 25, 2014, we denied respondent's request for reconsideration, but consistent with WMATC precedent, we reopened the proceeding under Rule No. 26-04, and reinstated Certificate No. 2158. In accordance with Regulation No. 58-14, Order No. 14,946 also directed respondent to verify cessation of operations as of February 18, 2014, and required

respondent to corroborate its verification statement with copies of pertinent business records from December 1, 2013, to July 25, 2014.

II. RESPONSE TO ORDER NO. 14,946

On September 5, 2014, respondent submitted the following statement:

I Daniel Manna (Daniel Manna Limo Service) #2158 is writing this letter to let you know that, during February 18, 2014 to February 21, 2014 which I did not have insurance coverage, I did not work during those dates. Thank you

Respondent's document production consists of five e-mails sent to respondent by Uber Technologies, Inc., which according to Commission records is a dispatched car service operating in the Washington Metropolitan Area.¹ The five emails advise respondent of the date that funds will be deposited into respondent's bank account in payment of invoices presented to Uber for services rendered by respondent in the "DC" area, apparently from February 17, 2014, through June 22, 2014, as follows:

Invoice Date	Payment Amount
2/17-2/23, 2014	\$939.20
3/17-3/23, 2014	\$935.20
4/21-4/27, 2014	\$860.80
5/19-5/25, 2014	\$260.80
6/16-6/22, 2014	\$560.00

III. DISCUSSION

We find that respondent's statement is deficient. Although respondent acknowledges not having any insurance from February 18, 2014, to February 21, 2014, the lapse in WMATC Insurance Endorsement coverage extends beyond February 21, 2014, to June 9, 2014, as noted above. Respondent's statement does not take this into account. And respondent's statement does not take into account that WMATC Certificate No. 2158 was not reinstated until July 25, 2014.

We further find that respondent's document production is deficient. Order No. 14,946 specifically directed respondent to produce customer contracts, customer invoices, and bank statements. Respondent has not produced any such records and has failed to explain why such documents were not produced.

In any event, the few records that respondent has produced appear to show a pattern of payments for passenger transportation services rendered by respondent from mid-February 2014 to late June 2014 under the auspices of Uber while Certificate No. 2158 was

¹ *In re Four Points Transp. & Moving Inc.*, No. AP-12-111, Order No. 13,695 (Jan. 23, 2013).

suspended/revoked and while said services were for the most part not covered by any WMATC Insurance Endorsement.

IV. ORDER TO SHOW CAUSE

Considering that respondent has apparently failed to produce all pertinent business records and has not denied transporting passengers for hire from February 22, 2014 to July 25, 2014, and because the documents respondent has produced indicate that respondent transported passengers for hire in the Washington Metropolitan Area while Certificate No. 2158 was suspended/revoked and respondent's apparent operations were for the most part not covered by any WMATC Insurance Endorsement, 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. 2158, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.²

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. 2158, 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 BROWN:



William S. Morrow, Jr.
Executive Director

² See *In re Olalekan Salami, t/a Startime Ventures*, No. MP-08-147, Order No. 11,690 (Nov. 19, 2008) (same).