

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,426

IN THE MATTER OF:

Served March 3, 2015

PARTY'S IN MOTION, LLC, WMATC)
No. 2494, Investigation of)
Violation of Order No. 14,701 and)
Regulation No. 64-04)

Case No. MP-2014-141

This matter is before the Commission on the failure of Party's in Motion, LLC, to respond to Order No. 15,048, served September 12, 2014, which gave respondent 30 days to show cause why the Commission should not revoke Certificate No. 2494.

I. BACKGROUND

The Washington Metropolitan Area Transit Regulation Compact¹ authorizes the Washington Metropolitan Area Transit Commission (WMATC) to issue a certificate of passenger carrier authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.²

The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.³

The Commission approved the application of Party's in Motion, LLC, (respondent), for a certificate of authority in Order No. 14,701 on April 14, 2014, subject to several conditions, including the condition that respondent produce a copy of the for-hire vehicle registration card for each vehicle to be operated under WMATC authority, as required by WMATC Regulation No. 64-04.⁴ As of May 20, 2014, respondent had satisfied all conditions except the for-hire plate condition. In the absence of any passenger carrier authority, respondent was unable to obtain for-hire plates for its initial WMATC vehicle, a 2000 Ford van with VIN ending A37386.

¹ Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990), amended by Pub. L. No. 111-160, 124 Stat. 1124 (2010) (amending tit. I, art. III).

² Compact, tit. II, art. XI, § 7(a).

³ Compact, tit. II, art. XI, § 7(d).

⁴ *In re Party's in Motion, LLC*, No. AP-14-086, Order No. 14,701 (Apr. 14, 2014).

To resolve the impasse, the Commission issued WMATC Certificate No. 2494 to respondent on May 20, 2014, subject to a vehicle-out-of-service notice and subject to the proviso that respondent obtain for-hire plates for the 2000 Ford van and submit a copy of the new registration to the Commission within 30 days or face revocation of Certificate No. 2494. Respondent did not comply.

Accordingly, Order No. 15,048, served September 12, 2014, gave respondent 30 days to show cause why the Commission should not revoke Certificate No. 2494 and 15 days to request an oral hearing.

Respondent has yet to respond.

II. FINDINGS

Under the Compact, 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.⁵

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.⁶

Commission records show that respondent's fleet consists solely of the 2000 Ford van registered to respondent's managing member, Winfred Dean Harris, Jr., and that the van still lacks for-hire plates.

We therefore find that respondent has failed to show cause why the Commission should not revoke Certificate No. 2494 for failure to satisfy all conditions of issuance stipulated in Order No. 14,701.

III. CONCLUSION

Certificate No. 2494 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.

In addition, in accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$150 annual fee for 2015, unfiled annual report for 2015, and \$300 in late fees assessed for not tendering the annual fee and report on time, shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 2494 is hereby revoked.

⁵ Compact, tit. II, art. XI, § 10(c).

⁶ *In re Metro Health-Tech Servs. Inc.*, No. MP-08-057, Order No. 11,588 (Sept. 24, 2008).

2. That respondent's 2015 annual report and \$450 in unpaid fees shall remain due in accordance with Regulation Nos. 60 and 67.

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

- a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
- b. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and
- c. surrender Certificate No. 2494 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:



William S. Morrow, Jr.
Executive Director