

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,591

IN THE MATTER OF:

Served May 15, 2015

SHEBA NETWORK, LLC, Trading as)
SHEBA, Suspension and Investigation)
of Revocation of Certificate)
No. 2368)

Case No. MP-2014-111

This matter is before the Commission on respondent's response to Order No. 15,266, served December 30, 2014.

I. BACKGROUND

Certificate No. 2368 was automatically suspended on June 7, 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. 14,928, served July 17, 2014, noted the automatic suspension of Certificate No. 2368, directed respondent to cease transporting passengers for hire under Certificate No. 2368, 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. 2368.

Respondent paid the late fee and submitted a \$1.5 million WMATC Insurance Endorsement, and the suspension was lifted in Order No. 14,969, served August 6, 2014, but because the effective date of the new endorsement is August 4, 2014, instead of June 7, 2014, the order gave respondent 30 days to verify cessation of operations as of June 7, 2014, as corroborated by copies of respondent's pertinent business records, in accordance with Regulation No. 58-14(a).

On December 30, 2014, having apparently received no response from respondent, the Commission issued Order No. 15,266 directing respondent to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 2368, 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. 15,266

In a statement filed January 13, 2015, respondent's president, Yoseph WoldeSemait, disputes the Commission's finding in Order No. 15,266 that respondent failed to respond to Order No. 14,969. The Commission, however, can find no evidence of any such response, and respondent offers no date-stamped copy in support of this claim. In any event, although Mr. WoldeSemait clearly states in his January 13 statement that he did not operate "during the insurance gap period,"

his statement is not under oath as required by Regulation No. 4-06, and respondent has yet to produce any corroborating records as required by Regulation No. 58-14(a) and directed by Order No. 14,969.

III. 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.¹

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.²

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.³ 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.⁴

Because respondent has failed to produce corroborating records as required by Regulation No. 58-14(a), and as directed by Order No. 14,969, and because respondent has offered no explanation for this noncompliance, we find that respondent has failed to show cause why the Commission should not assess a civil forfeiture of \$250⁵ and revoke Certificate No. 2368.⁶

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 violating Regulation No. 58-14(a) and Order No. 14,969.

2. That respondent is hereby directed to pay to the Commission within thirty days of the date of this order, by money order,

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

² Compact, tit. II, art. XI, § 10(c).

³ *In re Heaven On Wheels LLC*, No. MP-07-238, Order No. 11,641 (Oct. 24, 2008).

⁴ *Id.*

⁵ See *id.* (assessing \$250 for failing to produce documents).

⁶ See *id.* (revoking authority for failing to produce documents corroborating verification of suspension compliance); see also *In re Marbec LLC, t/a Marbec Limo. Servs. LLC*, No. MP-06-052, Order No. 10,346 (Mar. 23, 2007) (revoking authority for failing to submit suspension-compliance verification under oath and for failing to produce corroborating documents).

certified check, or cashier's check, the sum of two hundred fifty dollars (\$250).

3. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 2368 is hereby revoked for respondent's willful failure to comply with Regulation No. 58-14(a) and Order No. 14,969.

4. 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 with the Commission verifying compliance with the preceding requirement; and
- c. surrender Certificate No. 2368 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER AND HOLCOMB:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', is positioned above the printed name.

William S. Morrow, Jr.
Executive Director