

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,612

IN THE MATTER OF:

Served May 27, 2015

Application of ZEREYAKOB ASSEFA) Case No. AP-2014-139
HAYLEMARIAM, Trading as SHALOM)
TRANSPORTATION SERVICE, for a)
Certificate of Authority --)
Irregular Route Operations)

This matter is before the Commission on applicant's response to Order No. 15,427, served March 3, 2015, granting applicant 30 days to present financial evidence in support of applicant's motion to: (1) further reduce the civil forfeiture assessed, and partially suspended, in Order No. 15,131, served October 21, 2014; and (2) approve an installment payment plan.

Applicant formerly held WMATC Certificate No. 1952 from August 31, 2012, until February 26, 2014, when it was revoked in Order No 14,597.¹ Applicant reapplied for WMATC authority in this proceeding on May 5, 2014. During the course of examining applicant's fitness for WMATC authority, the Commission discovered that applicant had operated for 94 days while Certificate No. 1952 was suspended/revoked, mostly in 2014. The Commission assessed a \$23,500 civil forfeiture against applicant in Order No. 15,131, suspended all but \$3,500 in recognition of applicant's production of inculpatory records and voluntary filing of this application, and ultimately concluded that upon timely payment of the net forfeiture, the record would support a finding of applicant's prospective compliance fitness, subject to a one-year period of probation and subject to the requirement that applicant present his revenue vehicle(s) for inspection and file certain documents within 180 days.

On November 19, 2014, applicant filed a request for further reduction of the net forfeiture to \$1,200 and for approval of a 12-month payment plan.

On March 3, 2015, in Order No. 15,427, the Commission agreed to consider applicant's November 19 request, provided that applicant present evidence of his current financial position and evidence of the financial results of his operations in 2014. Applicant responded on March 31, 2015.

¹ *In re Zereyakob Assefa Haylemariam, t/a Shalom Transp. Serv.*, No. MP-13-146, Order No. 14,597 (Feb. 26, 2014).

Among the documents produced in response to Order No. 15,427 is applicant's federal income tax return for 2014, the year in which most of the violations occurred. According to applicant's return, applicant made a profit of just over \$39,000 conducting limo operations under the Shalom Transportation Service trade name in 2014.

In ruling on applicant's request, we are mindful that the civil forfeiture provision of the Compact serves at least two functions: deterrence of future violations and disgorgement of unjust profits.² The \$3,500 net forfeiture is sustainable on deterrence grounds alone. The \$39,000 in profit weighs against any further reduction. We therefore find that applicant has not shown cause for further reducing the \$3,500 net forfeiture assessed in Order No. 15,131.

Although applicant has not produced evidence of his current financial condition, we hereby grant applicant's request for a payment plan.³ Applicant has paid \$300 of the \$3,500 net forfeiture, leaving a balance due of \$3,200. Applicant shall pay \$200 to the Commission within 30 days of the date of this order and \$200 per month to the Commission for 15 months beginning August 1, 2015.

In the meantime, the record shows that applicant timely submitted the documents required by Order No. 15,131 and that applicant's vehicle timely passed inspection by staff. In consideration of the 15-month installment plan herein approved, Certificate No. 1952 shall be issued to applicant upon applicant's payment of \$200 within 30 days. The probation period is hereby amended to run until such time as applicant has paid the full \$3,500 net forfeiture; provided, that, the probation period shall run for not less than one year from the date Certificate No. 1952 is issued.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND DORMSJO:



William S. Morrow, Jr.
Executive Director

² *In re Paramed Med. Transp. t/a PARA-MED, Inc.*, No. MP-10-015, Order No. 13,115 at 2 (Jan. 11, 2012).

³ See *id.* (approving payment plan without discussion of current financial condition).