

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,748

IN THE MATTER OF:

Served July 20, 2015

ABDULBASSIT MOHAMEDSOULEIMAN, )  
Suspension and Investigation of )  
Revocation of Certificate No. 2177 )

Case No. MP-2014-190

This matter is before the Commission on respondent's response to Order No. 15,602, served May 18, 2015.

**I. BACKGROUND**

Certificate No. 2177 was automatically suspended on December 20, 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. 15,248, served December 22, 2014, noted the automatic suspension of Certificate No. 2177, directed respondent to cease transporting passengers for hire under Certificate No. 2177, and gave respondent thirty 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. 2177.

Respondent paid the late fee and submitted a \$1.5 million WMATC Insurance Endorsement, and the suspension was lifted in Order No. 15,350, served January 23, 2015, but because the effective date of the new endorsement is January 9, 2015, instead of December 20, 2014, the order gave respondent 30 days to verify cessation of operations as of December 20, 2014, as corroborated by copies of respondent's pertinent business records, in accordance with Regulation No. 58-14(a). Respondent did not respond.

Order No. 15,602, served May 18, 2015, directed respondent to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 2177, 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. 15,602**

Respondent has submitted a statement, but the statement does not clearly address whether respondent ceased operating during the suspension period, and respondent still has not produced any documents.

**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.<sup>1</sup>

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.<sup>2</sup>

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.<sup>3</sup> The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by careless disregard whether or not one has the right so to act.<sup>4</sup>

Because respondent has (1) failed to verify whether it ceased operating while suspended and uninsured from December 20, 2014, through January 8, 2015, and while suspended from December 20, 2014, through January 23, 2015; (2) failed to produce the documents required by Order No. 15,350; and (3) offered no explanation for these failures; we find that respondent has failed to show cause why the Commission should not assess a civil forfeiture of \$250<sup>5</sup> and revoke Certificate No. 2177.<sup>6</sup>

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. 15,350.

2. That respondent is hereby directed to pay to the Commission within 30 days of the date of this order, by money order, 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. 2177 is hereby revoked for respondent's willful failure to comply with Regulation No. 58-14(a) and Order No. 15,350.

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<sup>1</sup> Compact, tit. II, art. XIII, § 6(f).

<sup>2</sup> Compact, tit. II, art. XI, § 10(c).

<sup>3</sup> *In re Daniel M Manna, t/a Daniel Manna Limo Serv.*, No. MP-14-027, Order No. 15,590 (May 15, 2015).

<sup>4</sup> *Id.*

<sup>5</sup> See *id.* (assessing \$250 for failing to produce verification and documents).

<sup>6</sup> See *id.* (revoking authority for failing to produce verification and documents).

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. 2177 to the Commission.

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



William S. Morrow, Jr.  
Executive Director