

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,788

IN THE MATTER OF:

Served August 12, 2015

ASRAT MENNA ALAYE, Trading as ALAYE )  
TRANSPORTATION SERVICE, Suspension )  
and Investigation of Revocation of )  
Certificate No. 2492 )

Case No. MP-2015-109

This matter is before the Commission on respondent's response to Order No. 15,710, served June 26, 2015.

**I. BACKGROUND**

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 2492 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 2492 was rendered invalid on May 20, 2015, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 15,606, served May 20, 2015, noted the automatic suspension of Certificate No. 2492 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 2492, 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. 2492.

Respondent paid the late fee on June 25, 2015, and submitted a \$1.5 million primary WMATC Insurance Endorsement on June 24, 2015, and the suspension was lifted on June 26, 2015, in Order No. 15,710. However, because the effective date of the new endorsement is June 24, 2015, instead of May 20, 2015, the order gave respondent 30 days in accordance with Regulation No. 58-14 to verify cessation of operations as of May 20, 2015, and to corroborate the verification with copies of

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

respondent's pertinent business records for the period from March 1, 2015, to June 26, 2015.

## **II. RESPONSE TO ORDER NO. 15,710**

Respondent submitted a statement on July 8, 2015, asserting that respondent "was out of USA for six months" and did not operate as Alaye Transportation Service during that time.

In support of his statement, respondent has produced copies of pages from his passport, checking account statements covering the period from March 1, 2015, to May 31, 2015, and credit card statements for the period beginning March 6, 2015, and ending June 5, 2015.

## **III. DISCUSSION**

We find respondent's response deficient.

First, respondent has produced no checking account statements for June 2015 and no credit card statements for June 6, 2015, to June 26, 2015.

Second, the passport page copies produced by respondent display a date stamp for a single day, June 20, 2015. This hardly supports the contention that respondent was out of the country for six months.

Third, the checking account statements display "Counter Credit" transactions in March, April, and May 2015. The term counter "counter credit" in this context is generally understood to signify a deposit made in person at a bank teller window. The website for respondent's bank does not appear to show any branch banking offices outside the United States.

Fourth, although the checking account appears to have been used not only for business purposes but personal purposes as well (e.g., Macy's and Best Buy debits), neither the checking accounts nor the credit card statements show any debit card or credit card transactions outside the United States.

Fifth, respondent has produced no other business records, such as the paperwork and payment records associated with respondent's insurance renewal.

## **IV. ORDER TO SHOW CAUSE**

Considering that respondent has failed to produce all pertinent business records and because the documents respondent has produced do not support respondent's assertion that he was out of the country for six months, 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. 2492, for knowingly and

willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.<sup>3</sup>

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. 2492, 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 DORMSJO:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> See *In re Daniel M Manna, t/a Daniel Manna Limo Serv.*, No. MP-14-027, Order No. 15,267 (Dec. 30, 2014) (show cause order issued where not all documents produced and documents produced were non-supportive).