

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,233

IN THE MATTER OF:

Served February 26, 2016

WASHINGTON DCLIMOUSINES SERVICES LLC, )  
WMATC No. 2679, Investigation of )  
Violation of Order No. 15,301 and )  
Regulation No. 64-04

Case No. MP-2015-157

This matter is before the Commission on the failure of respondent to respond to Order No. 16,071, served December 22, 2015.

**I. BACKGROUND**

The Washington Metropolitan Area Transit Regulation Compact<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

The Commission approved the application of Washigtondclimousines Services LLC, (respondent), for a certificate of authority on January 7, 2015, in Order No. 15,301, subject to several conditions, including the condition that respondent produce within 180 days 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.<sup>4</sup> As of July 7, 2015, 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 three WMATC vehicles, a 2009 Mercedes with VIN Ending 244623 and two others - a 2014 Sprinter with VIN ending 937209 and a 2009 Suburban with VIN ending 172029.

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<sup>1</sup> 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).

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

<sup>3</sup> Compact, tit. II, art. XI, § 7(d).

<sup>4</sup> *In re Washigtondclimousines Services LLC*, No. AP-14-336, Order No. 15,301 (Jan. 7, 2015).

To resolve the impasse, the Commission issued WMATC Certificate No. 2679 to respondent on July 7, 2015, subject to a vehicle-out-of-service notice and subject to the proviso that respondent obtain for-hire plates for all three vehicles and submit copies of the new registrations to the Commission within 30 days or face revocation of Certificate No. 2679.

As of September 9, 2015, respondent had yet to produce a for-hire registration card for the 2009 Mercedes. The Commission accordingly issued Order No. 15,839, giving respondent until October 8, 2015, to show cause why the Commission should not revoke Certificate No. 2679. Respondent did not respond.

## **II. PROVISIONAL ORDER TO REVOKE**

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.<sup>5</sup>

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.<sup>6</sup>

Given respondent's failure to respond to Order No. 15,839, we found that respondent had failed to show cause why the Commission should not revoke Certificate No. 2679. But we stipulated in Order No. 16,071 that respondent could avoid revocation by certifying within 30 days that respondent was withholding from WMATC service: (1) the 2009 Mercedes; and (2) a 2009 Lincoln with private plates that applicant had acquired after Certificate No. 2679 was issued.

The order cautioned respondent that failure to produce either certification within 30 days would result in revocation of Certificate No. 2679. Respondent has yet to respond.

## **III. FINAL ORDER TO REVOKE**

In accordance with the terms of Order No. 16,071, Certificate No. 2679 is hereby revoked.

In accordance with Commission Regulation Nos. 60 and 67, respondent's unpaid \$175 annual fee for 2016, unfiled annual report for 2016, and \$300 in associated late fees shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 2679 is hereby revoked.

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<sup>5</sup> Compact, tit. II, art. XI, § 10(c).

<sup>6</sup> *In re Asim Sherzai*, No. MP-14-144, Order No. 15,071 (Sept. 18, 2014).

2. That respondent's 2016 annual report and \$475 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. 2679 to the Commission.

FOR THE COMMISSION:



William S. Morrow, Jr.  
Executive Director