

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,576

IN THE MATTER OF:

Served September 16, 2016

CARLOS SEDAN, LLC, Suspension and)
Investigation of Revocation of)
Certificate No. 2029)

Case No. MP-2015-223

This matter is before the Commission on respondent's failure to produce documents as directed by Order No. 16,139, served January 7, 2016.

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."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 2029 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. 2029 was rendered invalid on December 31, 2015, when the \$2 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 16,091, served December 31, 2015, noted the automatic suspension of Certificate No. 2029 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 2029, 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. 2029.

Respondent paid the late fee on January 5, 2016, and submitted a \$1.5 million primary WMATC Insurance Endorsement on January 6, 2016, and the suspension was lifted on January 7, 2016, in Order No. 16,139. However, because the effective date of the new endorsement is January 6, 2016, instead of December 31, 2015, the order gave respondent 30 days in accordance with Regulation No. 58-14(a) to: (1) verify cessation of operations as of December 31, 2015; (2)

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

produce copies of respondent's pertinent business records from October 1, 2015, to January 7, 2016; and (3) submit a statement from Carey Limousine D.C., Inc., WMATC Carrier No. 69, one of respondent's principal clients, confirming timely cessation of operations.

Carey submitted a statement on January 15, 2016, but respondent has yet to produce its own statement and has yet to produce any business records.

II. ORDER TO SHOW CAUSE

In accordance with Regulation No. 58-14(b), 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. 2029, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

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. 2029, 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.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director