

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,710

IN THE MATTER OF:

Served November 30, 2016

JONATHAN LEE GERITY SR, Trading as)
RIVERSIDE TRANSPORTATION,)
Suspension and Investigation of)
Revocation of Certificate No. 2735)

Case No. MP-2016-036

This matter is before the commission on the request of respondent for reconsideration of Order No. 16,574, served September 15, 2016, which assessed a civil forfeiture of \$44,750 against respondent and revoked Certificate No. 2735 for respondent's knowing and willful violations of the Compact, and regulations and orders thereunder, including 69 days of uninsured operations.

Under Article XIII, Section 4, of the Compact, a party affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved.¹ The application must state specifically the errors claimed as grounds for reconsideration.² The Commission must grant or deny the application within 30 days after it has been filed.³ If the Commission does not grant or deny the application by order within 30 days, the application shall be deemed denied.⁴ If the application is granted, the Commission shall rescind, modify, or affirm its order or decision with or without a hearing, after giving notice to all parties.⁵ Filing an application for reconsideration may not act as a stay upon the execution of a Commission order or decision, or any part of it, unless the Commission orders otherwise.⁶

I. DISCUSSION

Respondent's application for reconsideration of Order No. 16,574 was timely filed on September 23, 2016. There is no specific allegation of error, per se. Respondent merely repeats the argument that we addressed in Order No. 16,574, that respondent was unaware his operations were uninsured for 69 days.

As noted in Order No. 16,574, respondent holds WMATC Certificate No. 2735 as a sole proprietor trading as Riverside Transportation. Respondent has yet to produce evidence of any insurance policy naming respondent as the insured for any of the 69 days in question. The only evidence of insurance produced by

¹ Compact, tit. II, art XIII, § 4(a).

² Compact, tit. II, art XIII, § 4(a).

³ Compact, tit. II, art XIII, § 4(b).

⁴ Compact, tit. II, art XIII, § 4(c).

⁵ Compact, tit. II, art XIII, § 4(d).

⁶ Compact, tit. II, art XIII, § 4(e).

respondent for the 69 days is a copy of correspondence from Progressive Casualty Insurance Co. regarding a policy that respondent obtained not in his name but in the name of Riverside Transportation, Inc., which has never held WMATC authority. Based on this evidence, produced by respondent himself, we held in Order No. 16,574 that "respondent obtained the Progressive policy for the wrong entity." The application for reconsideration does not dispute this holding; indeed, it does not address this holding at all.

II. CONCLUSION

When the signatories and Congress approved the Compact, they designated noncompliance with Commission insurance requirements as the single offense that would automatically invalidate a certificate of authority.⁷ They could not have sent a clearer message that maintaining proper insurance coverage is of paramount importance under the Compact.⁸

Commission Regulation No. 58 required respondent to insure the revenue vehicles operated under Certificate No. 2735 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. Under Regulation No. 58-04(a), a WMATC Endorsement must display the carrier name, and any trade name, on file with the Commission. Having obtained the Progressive policy for the wrong entity, respondent failed to comply with Regulation No. 58. Order No. 16,574 contains no error; indeed, respondent does not claim any error was made. Respondent's claimed ignorance of his failure to maintain compliance with WMATC insurance requirements does not provide a basis for reconsideration of Order No. 16,574.

Accordingly, the application for reconsideration is denied without prejudice to respondent's right to reapply for operating authority after waiting 180 days from the date of this order.

IT IS SO ORDERED.

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



William S. Morrow, Jr.
Executive Director

⁷ Compact, tit. II, art. XI, § 7(g).

⁸ *In re Royal Limo. LLC*, No. MP-15-119, Order No. 16,289 at 4-5 (Apr. 4, 2016); *In re Exquisite Limo. Serv. LLC*, No. MP-15-152, Order No. 16,153 at 3 (Jan. 22, 2016); *In re Sami Investment Inc.*, No. MP-14-015, Order No. 15,692 at 3 (June 18, 2015).