

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,119

IN THE MATTER OF:

Served July 27, 2017

ROBERT EARLE GOODE JR, Trading as)
RELIABLE TRANSPORT, Suspension and)
Investigation of Revocation of)
Certificate No. 2051)

Case No. MP-2017-028

This matter is before the Commission on respondent's failure to respond to Order No. 17,005, served May 17, 2017.

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. 2051 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. 2051 was rendered invalid on March 13, 2017, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 16,878, served March 13, 2017, noted the automatic suspension of Certificate No. 2051 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 2051, and gave respondent 30 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. 2051.

Respondent paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 16,940, served April 12, 2017. However, because the effective date of the new endorsement is March 31, 2017, instead of March 13, 2017, the order gave respondent 30 days in accordance with Regulation No. 58-14(a) to: (1) verify cessation of operations as of March 13, 2017; and (2) produce copies of respondent's pertinent

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

business records from February 1, 2017, to April 12, 2017. Respondent did not respond.

Regulation No. 58-14(b) states that upon the failure of a carrier to comply timely with the requirements of Regulation No. 58-14(a), "the Executive Director shall issue an order directing the carrier to show cause why a civil forfeiture should not be assessed against the carrier and/or why the carrier's operating authority should not be suspended or revoked." Order No. 17,005 accordingly gave respondent until June 16, 2017, to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 2051. Respondent has yet to respond.

II. 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.³

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.⁴

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.⁵ 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.⁶

Because respondent has failed to respond to Order No. 16,940 and has offered no explanation for this failure, we find that respondent has failed to show cause why the Commission should not assess a civil forfeiture of \$250 and revoke Certificate No. 2051.⁷

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 Order No. 16,940.

³ Compact, tit. II, art. XIII, § 6(f).

⁴ Compact, tit. II, art. XI, § 10(c).

⁵ *In re US Capital Sedan LLC*, No. MP-16-190, Order No. 16,944 at 2 (Apr. 13, 2017).

⁶ *Id.* at 2.

⁷ See *id.* (assessing \$250 and revoking authority for failing to respond to Reg. No. 58-14 order).

2. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 2051 is hereby revoked for respondent's willful failure to comply with Order No. 16,940.

3. That within 30 days from the date of this order respondent shall:

- a. pay to the Commission by check or money order the sum of two hundred fifty dollars (\$250);
- b. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
- c. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and
- d. surrender Certificate No. 2051 to the Commission.

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



William S. Morrow, Jr.
Executive Director