

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,183

IN THE MATTER OF:

Served September 1, 2017

NATIONWIDE PATIENT TRANSPORT,) Case No. MP-2017-015
L.L.C., Trading as DMV PATIENT)
TRANSPORT, Suspension and)
Investigation of Revocation of)
Certificate No. 2378)

This matter is before the Commission on the response of respondent to Order No. 16,945, served April 13, 2017

I. BACKGROUND

Certificate No. 2378 was revoked on March 15, 2017, pursuant to Regulation No. 58-15(a), for respondent's willful failure to maintain on file with the Commission proof of \$1.5 million in motor vehicle liability insurance in the form of one or more WMATC Insurance Endorsements, as required by Commission Regulation No. 58,¹ and for respondent's willful failure to pay a \$100 late fee under Regulation No. 67-03(c).

Respondent eventually submitted a new \$1.5 million WMATC Insurance Endorsement, paid the late fee, and filed a request for reinstatement of Certificate No. 2378.

Under Regulation No. 58-15(b), if a carrier's authority is revoked for failure to comply with Regulation No. 58, or an order issued thereunder, the Executive Director shall reopen the proceeding and reinstate said authority if the following two conditions are met: (i) the carrier files a timely application for reconsideration in accordance with Rule No. 27; and (ii) the application is supported by the necessary Endorsement(s) and by payment of the late fee under Regulation No. 67-03(c); provided, that reinstatement shall not be available if the carrier's WMATC operating authority stands revoked for other reasons, as well.

Respondent's reinstatement request was filed on April 13, 2017, within the 30-day deadline established for seeking reconsideration under Rule No. 27; the request was supported by the new \$1.5 million WMATC Insurance Endorsement and by payment of the late fee; and Certificate No. 2378 did not stand revoked for any other reason.

¹ This is the second time that Certificate No. 2378 was revoked for an insurance violation. The first was in June 2016. *In re Nationwide Patient Transp., L.L.C., t/a DMV Patient Transp.*, No. MP-16-050, Order No. 16,418 (June 13, 2016).

Accordingly, Order No. 16,945 reopened this proceeding and reinstated Certificate No. 2378.

The investigation continued, however, because the effective date of respondent's replacement WMATC Endorsement is March 17, 2017, instead of February 6, 2017, the date on which coverage terminated under the previous WMATC Endorsement and Certificate No. 2378 became automatically suspended under Regulation No. 58-12 as a result. Under Regulation No. 58-14(a):

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

In accordance with Regulation No. 58-14(a), Order No. 16,945 directed respondent to submit a statement verifying cessation of operations as of February 6, 2017. The order also directed respondent to produce copies of its pertinent business records for the period beginning November 1, 2016, and ending April 13, 2017.

II. RESPONSE TO ORDER NO. 16,945

In response to Order No. 16,945, respondent's managing member, Shataa Whittle, has submitted a statement asserting that, for medical reasons, she "was not working the month of February" and had not resumed operations as of the date of her statement. The statement also asserts that Ms. Whittle requested "proof" from one of her clients that she did not conduct any operations during February, but the client did "not have anything" to provide.

Ms. Whittle's statement is problematic. First, Certificate No. 2378 is held by respondent, Nationwide Patient Transport, L.L.C., trading as DMV Patient Transport, not Ms. Whittle. Records obtained from respondent's insurance company indicate that immediately prior to the suspension of Certificate No. 2378, respondent was in possession of two vehicles, and seven drivers other than Ms. Whittle were authorized to operate those vehicles. Any incapacity on Ms. Whittle's part at that time would not necessarily have prevented respondent from continuing operations.

Second, the statement is unsupported by any of respondent's business records, even though such records exist. For example, Ms. Whittle acknowledges that respondent receives monthly reports from at least one of respondent's clients, but none of those reports have been produced. In addition, respondent paid the \$100 late insurance fee in this proceeding by check drawn on respondent's bank account, but respondent has yet to produce any bank statements.

III. ORDER TO SHOW CAUSE

Regulation No. 58-14(b) states that upon the failure of a carrier to comply with the requirements of Regulation No. 58-14(a) in timely fashion, "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."

Pursuant to 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. 2378.

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. 2378, for knowingly and willfully violating 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