

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,224

IN THE MATTER OF:

Served September 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 request for reconsideration of Order No. 17,119, served July 27, 2017.

**I. BACKGROUND**

Certificate No. 2051 was automatically suspended 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 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 did not respond.

Because respondent failed to respond to Order No. 16,940 and offered no explanation for this failure, Order No. 17,119 found that respondent had failed to show cause why the Commission should not assess a civil forfeiture of \$250 and revoke Certificate No. 2051.

## II. RECONSIDERATION REQUEST

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.<sup>1</sup> The application must state specifically the errors claimed as grounds for reconsideration.<sup>2</sup> Respondent's application for reconsideration of Order No. 17,119 was timely filed on August 18, 2017, but it does not allege any error on the part of the Commission.

Also, although respondent claims he has no business records, his statement is not under oath as required by Rule No. 4-06 and is at odds with the record. According to respondent's current insurance company, respondent pays his insurance premiums by credit card. This is consistent with respondent having paid the WMATC application fee in 2012 using a VISA credit card issued in his name. The existence of a credit card implies the existence of credit card records. Such records can be highly probative.<sup>3</sup>

Were we to take respondent's statement at face value, his statement would constitute an admission of failure to maintain the safety records mandated by Regulation No. 64. This would leave respondent in the position of having failed to maintain compliance not only with the Commission's insurance requirements but with the Commission's safety requirements as well.

Finally, we see that while this proceeding was pending but before Certificate No. 2051 was revoked, respondent's operating authority was suspended once again for failure to maintain compliance with the Commission's insurance requirements.<sup>4</sup>

On this record, we cannot say that respondent has made a case for granting reconsideration. The request for reconsideration is therefore denied.

IT IS SO ORDERED.

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



William S. Morrow, Jr.  
Executive Director

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<sup>1</sup> Compact, tit. II, art XIII, § 4(a).

<sup>2</sup> Compact, tit. II, art XIII, § 4(a).

<sup>3</sup> See e.g., *In re Royal Limo. LLC*, No. MP-15-119, Order No. 15,917 (Oct. 20, 2015) (service station purchase pattern consistent with ongoing operations).

<sup>4</sup> *In re Robert Earle Goode Jr, t/a Reliable Transp.*, No. MP-17-085, Order No. 17,048 (June 14, 2017).