

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2202

IN THE MATTER OF:

Served March 16, 1981

Investigation of Alleged Over-)
charges By and Order to Show)
Cause Directed Against JACK B.)
DEMBO)

Case No. MP-81-03

Pursuant to Title II, Article XII, Section 13(b) of the Compact, "[t]he Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this Act. . . ."

The Commission has jurisdiction over taxicabs and other vehicles used in performing bona fide taxicab service with respect to ". . .(i) the rate or charges for transportation from one signatory to another within the confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage." Compact, Title II, Article XII, Section 1(c). The Commission has received credible information, as outlined below, that Jack B. Dembo, while operating a taxicab ^{1/} between two signatories to the Washington Metropolitan Area Transit Regulation Compact, has demanded and collected fares and charges in excess of the fares and charges prescribed in applicable orders establishing the lawful fares, charges and practices to be in effect.

Information received by the Commission from passenger complaints (Informal Complaint-IC) lodged against Mr. Dembo is as follows, with the assessed fare delineated and the proper fare identified in parentheses:

- 1) IC # 4177 - On May 4, 1979, an unlawful charge of \$15 for the transportation of two people traveling together from the Sheraton Park

^{1/} Mr. Dembo drives a taxicab licensed in the District of Columbia and subject to a system of interstate rates based on odometer mileage.

- Hotel, Washington, D. C., to Washington National Airport (\$6.60) 2/;
- 2) IC # 4315 - On October 10, 1979, an unlawful charge of \$74.20 for the transportation of two people traveling together from Washington National Airport to two residences in Bowie, Md. (\$21) 2/;
- 3) IC # 4451 - On April 5, 1980, an unlawful charge of \$22 for the transportation of four passengers traveling together from Washington National Airport 3/ to a residence in Washington, D. C. (\$12.25) 4/;
- 4) IC # 4484 - On May 28, 1980, an unlawful charge of \$25 for the transportation of two people traveling together from Washington National Airport 3/ to the Sheraton Washington Hotel, Washington, D. C. (\$7.55) 4/;
- 5) IC # 4579 - On September 14, 1980, an unlawful charge of \$20 for the transportation of four passengers traveling together from Washington National Airport 3/ to the Guest Quarters and the River Inn, both in Washington, D. C. (\$8.25) 4/;
- 6) IC # 4636 - On December 2, 1980, an unlawful charge of \$50 for the transportation of four passengers traveling together from Washington National Airport 3/ to two residences in Potomac and Bethesda, Md. (\$24.25) 4/;
- 7) IC # 4685 - On February 7, 1981, an unlawful charge of \$18.50 for the transportation of one person from Washington National Airport 3/ to the Shoreham Hotel, Washington, D. C. (\$6.80) 4/;
- 8) IC # 4693 - On February 13, 1981, an unlawful charge of \$13.50 for the transportation of one person from Washington National Airport 3/ to a residence in Washington, D. C. (\$9.20). 4/

Additionally, in IC # 4693 it is alleged that Mr. Dembo refused to issue a receipt, and in IC # 4315 it is alleged that Mr. Dembo issued a receipt indicating a false cab identification and driver name. In the other above-listed complaints, receipts were issued for the excessive fares, and in some cases Mr. Dembo apparently issued receipts containing insufficient information. These practices are in contravention of Title 14, Section 305.13 of the District of Columbia Rules and Regulations and the Compact, Title II, Article XII, Section 21.

2/ Fare established pursuant to Order No. 1982, served April 19, 1979, and effective April 30, 1979.

3/ Fares for trips originating at Washington National Airport of one party include a \$.50 gate fee passed on to passengers.

4/ Fares established pursuant to Order Nos. 2067 and 2080, served December 6, 1979, and January 29, 1980, respectively, and effective December 31, 1979, and February 4, 1980, respectively.

It is also alleged in several complaints that Mr. Dembo failed to display his license and identification card issued under sections 31(d) and 31(e) of the License Act, D. C. Code (1973 Ed.) §47-2331(d) and (e), so that they were plainly visible, 5/ and that he conducted himself in a rude, discourteous and disorderly way in disregard for the safety, comfort and convenience of the complaining passengers. 6/ To the extent that such violations may constitute a "chilling" factor on members of the public seeking enforcement of the Commission-prescribed interstate rates for District of Columbia taxicabs, we note that they may constitute an unjust and unreasonable practice relating to taxicab fares.

In order to determine whether violations of the Compact have occurred, the Commission concludes that there appear to be reasonable grounds for instituting an investigation into the complaints cited above. Mr. Dembo will be directed to produce manifests of all interstate taxicab trips for the period commencing April 1, 1980, through February 28, 1981, and is invited to produce manifests covering all dates prior to April 1, 1980, which are relevant to the complaints described above. Title 14, Section 355.1, District of Columbia Rules and Regulations. See also Compact, Title II, Article XII, Sections 10(b), 10(d) and 21. Mr. Dembo will be assessed an amount estimated to cover the costs of the investigation pursuant to Title II, Article XII, Section 19(a) of the Compact.

Mr. Dembo is hereby notified that, in addition to the entry of further orders herein, the Commission may, should the evidence and applicable law so warrant, direct its staff to institute appropriate administrative proceedings before the District of Columbia Hackers' License Appeal Board and/or injunctive proceedings before the United States District Court for the District of Columbia. Moreover, the Commission reserves its right to refer any apparent violations of law to the Corporation Counsel of the District of Columbia for criminal prosecution in accordance with Title II, Article XII, Section 18(d) of the Compact and the "Memorandum of Agreement for the Enforcement of the Washington Metropolitan Area Transit Regulation Compact" executed in July 1964 by the Commission and the signatories to the Compact.

Finally, Mr. Dembo is hereby reminded that Rule No. 3-02 of the Commission's Rules of Practice and Procedure provides that "(a) person may be represented in any proceeding by an attorney at law admitted to practice before the United States District Court for the District of Columbia or before the highest court of the State wherein he resides." In the event respondent retains an attorney, counsel's appearance in this matter should be promptly submitted. Mr. Dembo is specifically cautioned that his failure timely to retain an attorney may constitute a waiver of his right to counsel.

5/ Title 14, District of Columbia Rules and Regulations, §§ 340.1 and 340.2.

6/ Title 14, District of Columbia Rules and Regulations, §350.3.

THEREFORE, IT IS ORDERED:

1. That the above-captioned investigation of the matters set forth herein is hereby instituted.

2. That Jack B. Dembo is hereby made a party respondent to this proceeding.

3. That the above-docketed matter is hereby scheduled for public hearing to commence Tuesday, April 21, 1981 at 11:00 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

4. That Jack B. Dembo is hereby directed to produce for inspection and photocopying all manifests of interstate taxicab trips in his possession for the period April 1, 1980, through February 28, 1981, at the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon, Tuesday, April 7, 1981.

5. That Jack B. Dembo is assessed \$300 pursuant to Title II, Article XII, Section 19 of the Compact, and directed to deliver said amount to the office of the Commission, Suite 316, 1625 I Street, N. W., Washington, D. C. 20006, no later than 12 noon, Tuesday, April 7, 1981.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS CLEMENT, SCHIFTER AND SHANNON:


GREGORY PAUL BARTH
Acting Executive Director