

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2212

IN THE MATTER OF:

Served April 9, 1981

Investigation of Alleged Over- )  
charges By and Order to Show )  
Cause Directed Against PAUL )  
AKINROTOYE )

Case No. MP-81-04

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 Paul Akinrotoye, while operating a taxicab <sup>1/</sup> 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. Akinrotoye is as follows, with the assessed fare delineated and the proper fare identified in parentheses:

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<sup>1/</sup> Mr. Akinrotoye drives a taxicab licensed in the District of Columbia and subject to a system of interstate rates based on odometer mileage.

- 1) IC # 4035 - On July 19, 1978, an unlawful charge of \$28 for the transportation of seven passengers traveling together from the Holiday Inn-Central, Washington, D. C., to Washington National Airport (\$6.15) 2/;
- 2) IC # 4150 - On April 9, 1979, an unlawful charge of \$5.75 for the transportation of one person from Chevy Chase, Md., to a residence in Washington, D. C. (\$2.35) 2/;
- 3) IC # 4244 - On July 24, 1979, an unlawful charge of \$6.75 for the transportation of one person from Washington National Airport 3/ to the Hay-Adams Hotel, Washington, D. C. (\$4.90) 4/;
- 4) IC # 4352 - On November 26, 1979, an unlawful charge of \$9.75 for the transportation of one person from Washington National Airport 3/ to a residence in Washington, D. C. (\$7.30) 4/;
- 5) IC # 4374 - On January 6, 1980, an unlawful charge of \$8.75 for the transportation of one person from Washington National Airport 3/ to the Gramercy Inn, Washington, D. C. (\$5.60) 5/;
- 6) IC # 4389 - On January 22, 1980, an unlawful charge of \$10 for the transportation of one person from Washington National Airport 3/ to the Tabard Inn Hotel, Washington, D. C. (\$5.60) 5/;
- 7) IC # 4520 - On July 25, 1980, an unlawful charge of \$14.75 for the transportation of one person from Washington National Airport 3/ to the Embassy of Japan, Washington, D. C. (\$6.40) 5/ ;
- 8) IC # 4533 - On August 18, 1980, an unlawful charge of \$7 for the transportation of one person from Washington National Airport 3/ to a residence in Washington, D. C. (\$4.80) 5/;
- 9) IC # 4558 - On September 6, 1980, an unlawful charge of \$20 for the transportation of four passengers 6/ traveling together from Washington National Airport 3/ to the Hyatt Regency Hotel, Washington, D. C. (\$7.45) 5/;

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2/ Fare established pursuant to Order No. 1500, served February 13, 1976, and effective March 1, 1976.

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

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

5/ Fare established pursuant to Order No. 2067, served December 6, 1979, and effective December 31, 1979.

6/ Extra passenger fare established pursuant to Order No. 2080, served January 29, 1980, and effective February 4, 1980.

- 10) IC # 4565 - On September 3, 1980, an unlawful charge of \$8.90 for the transportation of one person from Washington National Airport 3/ to the Park Central Hotel, Washington, D. C. (\$4.80) 5/;
- 11) IC # 4687 - One February 17, 1981, an unlawful charge of \$9.90 for the transportation of one person from Washington National Airport to an office in Washington, D. C. (\$4.70) 5/.

In the above-listed complaints receipts were issued for excessive fares, and in some cases Mr. Akinrotoye apparently issued receipts containing insufficient information. This practice is 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.

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. Akinrotoye will be directed to produce manifests of all interstate taxicab trips for the period commencing April 1, 1980, through March 31, 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. Akinrotoye 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. Akinrotoye 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. Akinrotoye 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." Respondent is further advised that the above-described right to counsel does not obligate the Commission to appoint, provide or compensate respondent's attorney. In the event respondent retains an attorney, counsel's appearance in this matter should be promptly submitted. Mr. Akinrotoye is specifically cautioned that his failure timely to retain an attorney may constitute a waiver of his right to counsel.

THEREFORE, IT IS ORDERED:

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

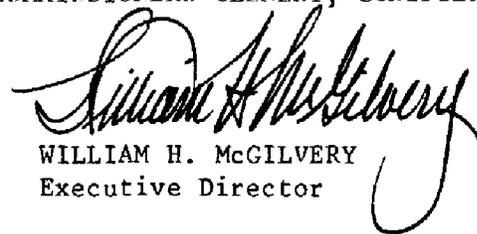
2. That Paul Akinrotoye is hereby made a party respondent to this proceeding.

3. That the above-docketed matter is hereby scheduled for public hearing to commence Thursday, May 14, 1981, at 9:30 a.m. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

4. That Paul Akinrotoye 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, Thursday, April 30, 1981.

5. That Paul Akinrotoye 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 Thursday, April 30, 1981.

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

  
WILLIAM H. MCGILVERY  
Executive Director