

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2232

IN THE MATTER OF:

Served June 11, 1981

Investigation of Alleged Over-)
charges By and Order to Show Cause)
Directed Against Paul Akinrotoye)

Case No. MP-81-04

By Order No. 2212, served April 9, 1981, the Commission instituted this proceeding to determine whether respondent Paul Akinrotoye has consistently violated Title II, Article XII, Sections 1(c) and 8 of the Compact and Commission Order Nos. 1500, 1982 and 2067 by demanding and collecting fares in excess of those prescribed for interstate trips by taxicab between points in the Metropolitan District. Also at issue was whether respondent issued receipts containing insufficient information, thereby violating 14 D.C.R.R. 305.13 and Order No. 91, effective December 1, 1961, and hampering the Commission's ability effectively to enforce the prescribed interstate rates for taxicabs licensed by the District of Columbia.

Four copies of Order No. 2212 were mailed to respondent, two by first-class mail and two sent certified, return receipt requested. One certified letter was returned unclaimed, but the second was delivered on April 15, 1981, and receipted with the signature "Paul Akinrotoye". Neither first-class letter was returned. Subsequently, an attorney entered an appearance for respondent. Accordingly, the Commission finds that respondent had actual notice of this proceeding and the hearing scheduled thereon.

The hearing convened pursuant to notice on May 14, 1981, but neither respondent nor his counsel appeared. When telephoned, respondent's counsel stated that he saw no point in appearing without his client. The hearing went forward despite respondent's absence.

Mr. Carroll J. Strickland and Mrs. William Felner testified that they had been overcharged by respondent. On November 26, 1979, respondent charged Mr. Strickland \$9.75 for an eight-mile taxicab trip from Washington National Airport (WNA) to 944 Shepherd Street, N. W.,

Washington, D.C. The correct fare for this trip, according to the testimony of the Commission's rate supervisor should have been \$7.30. The receipt issued to Mr. Strickland did not contain respondent's last name, identification number, tag number, the time of the trip, or the precise destination of the passenger. Mrs. Felner testified that on April 9, 1980, she was charged \$5.75 for a taxicab ride from Wisconsin Avenue approximately three blocks north of the District of Columbia -- Montgomery County, Md., line to 4201 Cathedral Avenue, N.W., Washington, D.C. Subsequently, it was shown that the correct fare for this three-mile trip should have been \$2.35. The receipt issued to Mrs. Felner did not contain the driver's tag number, the time of the trip or the precise point of origin of the trip.

Maurice J. Harmon, the rate supervisor for the Commission was qualified as an expert on interstate fares and rules and regulations governing taxicabs and taxicab drivers licensed by the District of Columbia. His experience prior to joining the staff of the Commission includes two years as a licensed D.C. taxicab driver, approximately eight years as complaint clerk, rate supervisor, acting assistant chief and acting chief of the Public Vehicle Division of the D.C. Department of Transportation and eight years as a Metropolitan Police officer assigned to enforce D.C. laws, rules and regulations regarding taxicabs as a member of the Hack Inspector's office. Mr. Harmon explained the method by which he calculates the mileage and fares for interstate taxicab trips between points in the Metropolitan District, his method of handling complaints alleging taxicab overcharges and his method of compiling and maintaining "informal complaint" (I.C.) files. Mr. Harmon sponsored 12 I.C. files as exhibits, all of which were properly admitted into evidence.

Mr. Harmon testified about the mileage and fares for the trips of Mr. Strickland and Mrs. Felner as indicated above. Mr. Harmon also testified that, during two telephone conversations, Mr. Akinrotoye admitted being the driver on these trips and further admitted collecting the excessive fares described above.

Mr. Harmon next testified regarding I.C. No. 4687 alleging an overcharge on a five-mile trip on February 19, 1981, from Washington National Airport to 499 South Capitol Street, Washington, D.C. On February 26, 1981, respondent admitted to Mr. Harmon having transported the complainant, demanding a fare of \$9.90 and collecting \$10.50. The correct fare for this trip should be \$4.70. The receipt does not contain the driver's last name, his identification and tag numbers, and the time and precise destination of the trip.

Regarding I.C. No. 4741, Mr. Harmon stated that the respondent had failed to contact the Commission regarding a seven-mile trip on March 21, 1981, from WNA to the Shoreham Hotel, Washington, D.C. Respondent allegedly charged \$14.90 for this trip for which the correct fare should have been \$7.25. Neither the letter of complaint nor the receipt clearly identify respondent as the driver and the complaint is otherwise uncorroborated. Accordingly, we find that this complaint is not sustained.

Mr. Harmon further testified regarding I.C. Nos. 4558, 4565, 4533, 4520, 4389, 4374, 4244 and 4035. Respondent admitted to Mr. Harmon making each of the trips described in those complaints and further admitted collecting the fares which, in each case, Mr. Harmon testified were excessive. In several of these cases deficient receipts were also issued. The following chart summarizes the evidence, ad seriatum, regarding these eight trips.

<u>DATE</u>	<u>SERVICE POINTS</u>	<u>CHARGEABLE MILEAGE</u>	<u>FARE CHARGED</u>	<u>CORRECT FARE</u>
9/6/80	WNA to Hyatt Regency-Capitol Hill, Wash., D.C.	5.0	\$20.00	\$7.45 <u>1/</u>
9/3/80	WNA to 18th & G Streets, N.W., Wash., D.C.	4.5	8.90	4.80 <u>2/</u>
8/18/80	WNA to 401 M Street, S.W., Wash., D.C.	4.5	7.00	4.80 <u>3/</u>
7/25/80	WNA to 2520 Mass. Avenue, N.W., Wash., D.C.	6.5	14.75	6.40 <u>4/</u>
1/22/80	WNA to 1739 N Street, N.W. Wash., D.C.	5.5	10.00	5.60 <u>5/</u>

1/ Includes three extra passengers and the airport gate fee. The receipt issued lacks the driver's name, I.D. and tag numbers and the time and precise destination of the trip.

2/ Includes airport gate fee. No receipt was included.

3/ Includes airport gate fee. The receipt issued lacks the driver's name, I.D. and tag numbers and the date, time and precise destination of the trip.

4/ Includes airport gate fee. No receipt was included.

5/ Includes airport gate fee. No receipt was included. Respondent initially demanded \$7.75 but could not change a \$10.00 bill. See 14 D.C.C.R. 305.16

<u>DATE</u>	<u>SERVICE POINTS</u>	<u>CHARGEABLE MILAGE</u>	<u>FARE CHARGED</u>	<u>CORRECT FARE</u>
1/6/80	WNA to Gramercy Inn, Wash., D.C.	5.5	\$ 8.75	\$5.60 <u>6/</u>
7/24/79	WNA to 16th & H Streets, N.W., Wash., D.C.	5.0	6.75	4.90 <u>7/</u>
7/19/78	WNA to Rhode, Island Avenue, N.W., Wash., D.C.	5.0	28.00	6.15 <u>8/</u>

The evidence of record clearly shows that in each I.C. (except No. 4741) respondent charged fares in excess of those allowed by law. Respondent clearly admitted these charges and we find each of the 11 admitted complaints to be sustained. The evidence further shows that in I.C. Nos. 4352, 4150, 4687, 4558, 4533 and 4035 inadequate receipts were issued in violation of 14 D.C.C.R. 305.13, adopted by this Commission by Title II, Article XII, Section 21 of the Compact and Order No. 67, served October 9, 1961, as modified by Order No. 91, served November 15, 1961, and we so find. Moreover, respondent continues to be in violation of Order No. 2212 inasmuch as he has failed to produce his manifests and pay the sum assessed for the costs of this hearing.

It appears clear to us that Paul Akinrotoye has developed a habit of knowingly and wilfully overcharging taxicab patrons traveling between Washington National Airport and the District of Columbia. The record shows that on nine occasions respondent has been counseled by Mr. Harmon regarding the proper computation of interstate rates. The number of violations involved, coupled with respondent Akinrotoye's lack of response and cooperation in this investigation, leave us no choice but to conclude that he will continue to overcharge his passengers if allowed to continue operating in interstate service. Under these circumstances, the Commission concludes that all remedies available to sanction Paul Akinrotoye for the above-described violations should be exercised.

6/ Includes airport gate fee. Only a partial receipt was included.

7/ Includes airport gate fee. No receipt was included.

8/ Includes six extra passengers and the airport gate fee. Some extra pieces of luggage assertedly were transported, but respondent could not remember the number. Assuming that there were some extra bags, it is still clear that the fare demanded and collected was excessive. The receipt issued lacks the driver's last name, his I.D. and tag numbers and the time and precise destination of the trip.

THEREFORE IT IS ORDERED:

1. That respondent Paul Akinrotoye is hereby directed to cease and desist from engaging in the transportation of passengers by taxicab from one signatory to another within the confines of the Metropolitan District.

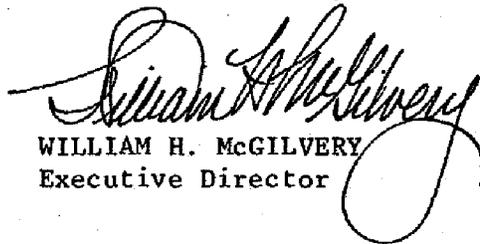
2. That respondent Paul Akinrotoye is hereby directed to cease and desist from displaying in any taxicab operated by him the rates prescribed by this Commission for the transportation of passengers by taxicab from one signatory to another within the confines of the Metropolitan District and is further directed to display conspicuously in lieu thereof a sign no smaller than four inches by six inches stating "This driver is forbidden to operate in interstate service by order of the Washington Metropolitan Area Transit Commission."

3. That the staff of the Commission is hereby directed to pursue in the United States District Court for the District of Columbia or other court of competent jurisdiction such civil actions as may be appropriate to secure respondent's compliance with the mandates of Order No. 2212 and this Order.

4. That the staff of the Commission is hereby directed to prosecute before the District of Columbia Hacker's Appeal Board the violations found herein with a view toward obtaining the revocation or suspension of respondent's taxicab driver's identification card and his public vehicle license.

5. That the staff of the Commission is hereby directed to bring a criminal complaint before the Corporation Counsel of the District of Columbia for prosecution under Title II, Article XII, Section 18(d) of the Compact and such other provisions of law as may be pertinent.

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


WILLIAM H. MCGILVERY
Executive Director