

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4004

IN THE MATTER OF:

Served September 21, 1992

Investigation of Failure to File)
Annual Report and Order to Show)
Cause Why Operating Authority)
should not be Suspended or Revoked,)
Directed to: KENILWORTH/PARKSIDE)
TRANSPORTATION COMPANY, INC.,)
Trading as KENILWORTH/PARKSIDE RMC)
SHUTTLE)

Case No. MP-92-25

This investigation was initiated on July 8, 1992, in Order No. 3962. A hearing was scheduled for August 4, 1992. Kenilworth/Parkside Transportation Company, Inc., trading as Kenilworth/Parkside RMC Shuttle (KP), was directed to appear and show cause why its certificate should not be suspended or revoked for failure to file an annual report. KP also was directed to deposit \$175, including \$150 of estimated investigation expenses and a \$25 civil forfeiture.¹ KP did not appear at the hearing and did not deposit the \$175.

Under Order No. 3962, KP's failure to comply with the requirements of that order was knowing and willful and resulted in suspension of KP's Certificate of Authority No. 153 as of August 5, 1992. KP was allowed 30 days from that date to show cause why its Certificate of Authority No. 153 should not be revoked.

On September 2, 1992, KP deposited \$175 and filed an annual report for 1991 and the affidavit of its treasurer. According to the affidavit, KP's Operations Manager, whose duties apparently included assuring KP's regulatory compliance, resigned in January 1992. Because of a net loss in 1991, KP decided not to fill this vacant position, which impliedly led to KP's failure to timely file its 1991 annual report and comply with Order No. 3962. The affidavit further states that the responsibility for assuring KP's regulatory compliance has since been transferred to the Community Development Division of KP's affiliate, Kenilworth/Parkside Resident Management Corporation, whose Director also happens to be KP's treasurer.

With the deposit of \$175 and filing of KP's 1991 annual report, the Commission finds that KP has remedied its past compliance deficiencies, and the Commission is satisfied that KP has taken steps to ensure compliance in the future. Accordingly, the Commission finds that KP has made a sufficient showing to avoid revocation of Certificate No. 153 and to warrant removal of the August 5th suspension.

¹KP also had the option of filing a late-filed annual report and paying a \$25 civil forfeiture in lieu of appearing at the hearing and depositing the \$175. KP did not avail itself of this option.

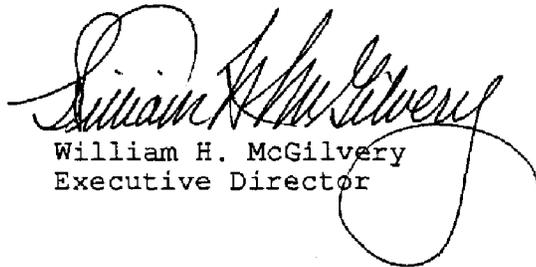
THEREFORE, IT IS ORDERED:

1. That the suspension of Certificate No. 153 is hereby lifted, and this proceeding is hereby terminated.

2. That the costs of this proceeding in the amount of \$92.25 are assessed against Kenilworth/Parkside Transportation Company, Inc., trading as Kenilworth/Parkside RMC Shuttle, pursuant to the Compact, Title II, Article XIV, Section 1(a).

3. That the Commission shall refund to Kenilworth/Parkside Transportation Company, Inc., trading as Kenilworth/Parkside RMC Shuttle, the \$57.75 difference between its \$175 deposit and the sum of the \$92.25 in costs assessed in this order and the \$25 civil forfeiture assessed in Order No. 3962.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery
Executive Director