

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4862

IN THE MATTER OF:

Served May 30, 1996

ISMAEL HUSSEIN, Trading as ALL)
SEASONS TRANSPORTATION, Suspension)
and Investigation of Revocation of)
Certificate No. 295)

Case No. MP-96-37

Investigation of Failure to File)
Annual Report and Order to Show)
Cause Why Civil Forfeiture Should)
Not be Assessed and Why Operating)
Authority Should Not be Suspended)
or Revoked, Directed to ISMAEL)
HUSSEIN, Trading as ALL SEASONS)
TRANSPORTATION, WMATC No. 295)

Case No. MP-96-35

These proceedings are consolidated pursuant to Commission Rule No. 20-02.

I. Case No. MP-96-37

The investigation in Case No. MP-96-37 was initiated on April 17, 1996, in Order No. 4817 (initial order) for the purpose of determining whether Certificate of Authority No. 295, issued to Ismael Hussein, trading as All Seasons Transportation, (respondent) shall be revoked for respondent's willful failure to comply with the insurance provisions of the Compact and regulations thereunder.

The Compact, Title II, Article XI, Section 7(f), directs each person holding a certificate of authority to comply with the Commission's insurance regulations. Commission Regulation No. 58-01 requires each carrier to maintain on file with the Commission an effective certificate of insurance.

Respondent's certificate of insurance expired at 12:01 a.m. on April 17, 1996, triggering the invalidation and automatic suspension of his certificate of authority under Article XI, Section 7(g), of the Compact and Regulation No. 58-02. Respondent was directed to file within 30 days from the date of the initial order an appropriate certificate of insurance or other evidence showing good cause why his certificate of authority should not be revoked.

On April 23, 1996, respondent filed a request to continue the suspension of Certificate No. 295 for eight months while respondent is absent from the area on personal business. This does not constitute good cause for avoiding revocation.¹

¹ In re Japan Travelers Serv., Inc., No. MP-88-09, Order No. 3186 (June 28, 1988).

Respondent's certificate of authority shall be revoked pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with the insurance provisions of the Compact, the regulations thereunder and the initial order in this proceeding.

II. Case No. MP-96-35

The investigation in Case No. MP-95-35 was initiated on April 8, 1996, in Order No. 4811, due to respondent's failure to file an annual report for 1995. Respondent was directed to show cause within thirty days why a civil forfeiture should not be assessed. To date, no response has been filed. We shall assess a civil forfeiture of \$100 for respondent's knowing and willful failure to file his 1995 annual report.

THEREFORE, IT IS ORDERED:

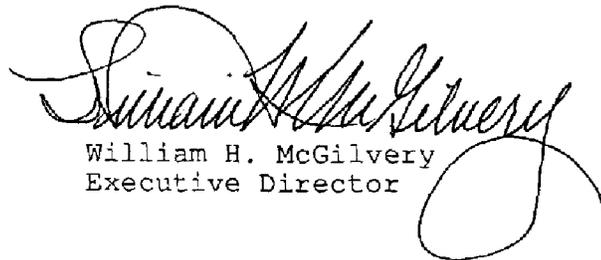
1. That Certificate of Authority No. 295, issued to Ismael Hussein, trading as All Seasons Transportation, is hereby revoked.

2. That respondent is hereby directed to remove from his vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61.

3. That respondent is hereby directed to file within 30 days from the date of this order a notarized affidavit verifying that respondent has complied with the preceding paragraph.

4. That the Commission hereby assesses a civil forfeiture against respondent in the amount of \$100, for knowing and willful violation of the Compact, and that respondent is hereby directed to pay to the Commission within thirty days of the date of this order, by money order, certified check, or cashiers check, the sum of one hundred dollars (\$100).

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER AND LIGON:


William H. McGilvery
Executive Director