

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5359

IN THE MATTER OF:

Served June 25, 1998

Investigation of Unauthorized ) Case No. MP-98-16  
Change of Control, Directed to: )  
WILLIAM E. GILLISON, Trading as )  
QUIANA TOURS, WMATC No. 290, and )  
QUIANA TOURS, INC. )

This investigation was initiated on April 7, 1998, in Order No. 5308 on the basis of an annual report filed in the name of "Quiana Tours, Inc.," as mailed in an envelope naming the sender as "Quiana Tours, Inc.," indicating that respondent Gillison had transferred his WMATC operations to the corporation without prior Commission approval under Article XII, Section 3, of the Compact.

Order No. 5308 gave respondents thirty days to file an acceptable transfer application or show cause why a civil forfeiture should not be assessed for knowing and willful violation of the Compact. Respondents did not comply. Accordingly, the Commission assessed a civil forfeiture of five hundred dollars against respondents and directed respondents to cease all operations in the Metropolitan District and show cause why Certificate No. 290 should not be revoked.<sup>1</sup>

Gillison eventually responded on June 9, 1998. According to Gillison, "the documentation that left the office contain[ing] 'Inc.' was in error." Gillison further asserts that he is "in the process" of incorporating his company and will apply to transfer his certificate once the incorporation process is completed.

Under Commission Rule No. 22-07, we may take official notice of official records on file with any of the Compact signatories. The records of the Maryland State Department of Assessments and Taxation, Corporate Charter Division, show that Mr. Gillison was the initial registered agent for Quiana Tours, Inc., and that said corporation forfeited its charter as of October 4, 1996. Thus, while it would have been more accurate for Mr. Gillison to state he is in the process

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<sup>1</sup> In re William E. Gillison, t/a Quiana Tours, & Quiana Tours, Inc., No. MP-98-16, Order No. 5342 (May 27, 1998).

of reviving the corporation,<sup>2</sup> it is clear that the corporation, unless and until revived, does not currently exist.<sup>3</sup>

To avoid any confusion on the part of the public, we will direct Mr. Gillison to immediately cease and desist conducting business under the name "Quiana Tours, Inc.", whether by means of stationery or otherwise.<sup>4</sup> We will direct Mr. Gillison to demonstrate compliance with this order by filing various documents, including a statement under oath that compliance has been achieved.<sup>5</sup>

As for the civil forfeiture assessed in Order No. 5342, we shall deem Mr. Gillison's response an application for reconsideration and, consistent with our finding that no corporation exists, rescind that part of the order assessing a forfeiture for unlawful transfer of operations.<sup>6</sup>

THEREFORE, IT IS ORDERED:

1. That respondent Gillison is hereby directed to cease and desist all operations in the Metropolitan District under the name "Quiana Tours, Inc."

2. That William E. Gillson, trading as Quiana Tours, may resume operations under Certificate of Authority No. 290.

3. That the civil forfeiture assessed in Commission Order No. 5342 is hereby rescinded.

4. That respondent Gillison is hereby directed to file the following documents within thirty days: (a) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (b) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (c) proof of current safety inspection of said vehicle(s)

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<sup>2</sup> See MD. CORPS. & ASS'NS CODE ANN. § 3-507 (1993) (procedure for revival of forfeited charter).

<sup>3</sup> In re Hare, 205 F. Supp. 881 (D. Md. 1962); Atlantic Mill & Lumber Realty Co. v. Keefer, 179 Md. 496 (1941).

<sup>4</sup> See In re Ernest H. Bannister, Sr., No. AP-79-06, Order No. 1996 (May 11, 1979) (sole proprietor directed to eliminate "Ltd." from trade name). Under Maryland law, a person may be fined up to \$500 for knowingly transacting business in the name of a forfeited corporation. MD. CORPS. & ASS'NS CODE ANN. § 3-514 (1993).

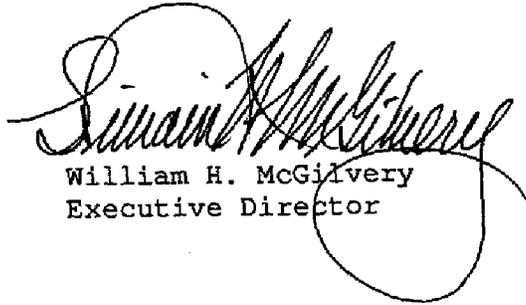
<sup>5</sup> See Commission Rule No. 28 (mandating compliance report).

<sup>6</sup> See Compact, tit. II, art. XIII, § 4 (providing for reconsideration of Commission orders); Commission Rule No. 27 (same).

by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; (d) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61; and (e) a compliance report pursuant to Commission Rule No. 28.

5. That the cease and desist provision of Order No. 5342 shall be automatically reinstated upon respondent Gillison's failure to comply with the requirements of this order within thirty days.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER;



William H. McGilvery  
Executive Director