

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6477

IN THE MATTER OF:

Served January 2, 2002

Investigation of Unauthorized)
Transfer of Assets and Operations)
From SIDNEY MILES PURNELL, Trading))
as SYDNEY SHUTTLE, WMATC No. 489,)
to SYDNEY SHUTTLE, LLC)

Case No. MP-2002-01

Certificate of Authority No. 489 has been held by Sidney Miles Purnell, a sole proprietor trading as Sydney Shuttle, since September 27, 1999. When Mr. Purnell completed and filed his annual report for the year 2000, he entered "SYDNEY SHUTTLE, LLC" in the space provided for indicating whether any changes in form of organization had occurred during that year.

Commission staff contacted Mr. Purnell to discuss the entry, and Mr. Purnell confirmed that he had formed Sydney Shuttle, LLC, on February 25, 2000. Staff advised Mr. Purnell to either file a transfer application or dissolve the LLC.

Mr. Purnell filed an application in the name of Sydney Shuttle, LLC, on October 5, 2001. The application was rejected on October 18, 2001, for failing to meet minimum filing standards. The rejection letter advised Mr. Purnell how to correct the application for resubmission. Mr. Purnell has yet to resubmit the application.

Under the Compact, Commission approval must be obtained to transfer a WMATC carrier's assets or operations to another carrier that operates in the Metropolitan District.¹ A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.²

The Commission may investigate whether a person has violated the Compact and for the purpose of an investigation "may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry."³ In addition, the Commission "shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes."⁴

¹ Compact, tit. II, art. XII, § 3.

² Compact, tit. II, art. XI, § 11(b).

³ Compact, tit. II, art. XIII, § 1(c), (e).

⁴ Compact, tit. II, art. XII, § 1 (b).

If the Commission finds a person has violated the Compact, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.⁵ A person who knowingly and willfully violates a provision of the Compact is subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.⁶ Each day of the violation counts as a separate violation.⁷

We shall direct respondents to produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, in their possession, custody or control relating to transportation of passengers for hire between points in the Metropolitan District during the period beginning February 25, 2000, and ending on the date of this order.

THEREFORE, IT IS ORDERED:

1. That Sidney Miles Purnell, trading as Sydney Shuttle, and Sydney Shuttle, LLC, are hereby named respondents in this proceeding.

2. That an investigation of respondents and their operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

3. That Sydney Shuttle, LLC, is hereby directed to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District unless and until otherwise ordered by the Commission.

4. That respondents are hereby directed to produce, within thirty days of the date of this order, any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondents' individual or joint possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning February 25, 2000, and ending on the date of this order, including, but not limited to:

- a. any and all customer invoices;
- b. any and all invoices from other carriers;
- c. any and all bank records; and
- d. any and all tax returns;

5. That Sydney Shuttle, LLC, is hereby directed to file any and all documents relating to its organizational status, including, but not limited to, a current list of members.

⁵ Compact, tit. II, art. XIII, § 1(d).

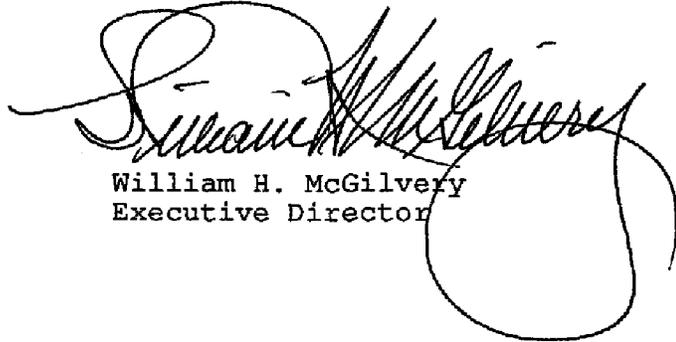
⁶ Compact, tit. II, art. XIII, § 6(f).

⁷ Compact, tit. II, art. XIII, § 6(f).

6. That Certificate of Authority No. 489 shall be automatically suspended upon either respondent's failure to timely respond to this order.

7. That in the event Certificate of Authority No. 489 is suspended pursuant to the preceding paragraph, Sidney Miles Purnell shall have thirty days thereafter to show cause why Certificate of Authority No. 489 should not be revoked for failure to comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, LIGON, AND MILLER:



William H. McGilvery
Executive Director