

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6708

IN THE MATTER OF:

Served June 19, 2002

Investigation of Unauthorized)
and Unsafe Operations of TINGEM)
HEALTH CARE SERVICES INC.,)
WMATC No. 512, and Order to)
Show Cause)

Case No. MP-2002-45

The 2001 annual report for Tingem Health Care Services Inc., Carrier No. 512, indicates that one of Tingem's revenue vehicles, a 1999 Dodge van, has a seating capacity of 17 persons. Because Certificate of Authority No. 512 does not permit operations in vehicles seating more than 15 persons, including the driver, and because Tingem paid its 2002 annual fee with a check drawn on the account of "Caring Hands Services, Inc.," Commission staff sent a letter to Tingem on March 22, 2002, directing Tingem to present all of its vehicles for inspection.

Tingem presented a 1997 Chevrolet van for inspection on April 9, 2002, and that vehicle passed inspection. But Tingem has yet to present any of its other revenue vehicles for inspection, including the purported 17-passenger vehicle, despite urging from Commission staff.

The Commission may investigate a carrier to determine whether that carrier has violated the Compact.¹ The Commission may require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.² The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.³

A carrier that knowingly and willfully violates a provision of the Compact shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation; each day of the violation constitutes a separate violation.⁴

The Commission will initiate an investigation to determine whether respondent has violated the Compact and regulations thereunder.

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

² Compact, tit. II, art. XIII, § 1(e).

³ Compact, tit. II, art. XII, § 1(b).

⁴ Compact, tit. II, art. XIII, § 6(f).

THEREFORE, IT IS ORDERED:

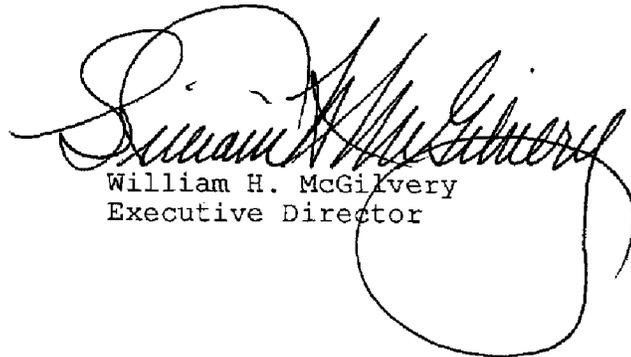
1. That an investigation of the operations of Tingem Health Care Services Inc., WMATC No. 512, in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That respondent is hereby directed to produce all revenue vehicles for inspection by Commission staff within thirty days from the date of this order.

3. That Certificate of Authority No. 512 shall stand suspended, and be subject to revocation without further proceeding, upon respondent's failure to timely comply with the requirements of this order.

4. That respondent may not operate any vehicle that fails inspection by staff unless and until such vehicle passes reinspection.

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



William H. McGilvery
Executive Director