

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6798

IN THE MATTER OF:

Served September 3, 2002

ZOHERY TOURS INTERNATIONAL, INC., )  
WMATC No. 362, Investigation of )  
Violation of Seating Capacity )  
Restriction and Commission )  
Regulations Governing Vehicle )  
Markings and Leases and Advertising )

Case No. MP-2002-46

This investigation was initiated on June 21, 2002, in Order No. 6710 to determine whether Zohery Tours International, Inc., WMATC No. 362, knowingly and willfully violated the seating capacity restriction in Certificate No. 362, the Commission's vehicle marking and leasing regulations and the Commission's advertising regulation.

The order directed respondent to: (1) bring its operations into compliance with Commission Regulations Nos. 61, 62, and 63, governing vehicle markings, leases and advertising, respectively; (2) produce within thirty days any and all records and documents within respondent's possession, custody or control relating to operations in the Metropolitan District from July 1, 2001, to June 21, 2002; and (3) produce all revenue vehicles for inspection by Commission staff within thirty days.

The order provided that Certificate No. 362 would stand suspended upon respondent's failure to timely comply with the order's requirements and that respondent would have thirty days thereafter to show cause why Certificate of Authority No. 362 should not be revoked.

Respondent produced two motorcoaches for inspection on July 19, 2002, and one minibus for inspection on July 22, 2002. The seating capacity of each of the three vehicles exceeded the 15-person limit in Certificate No. 362. "WMATC No. 362" was displayed on each vehicle, as was "Operated by Zohery Tours." The registration card for the minibus and one of the motorcoaches identified Nations Capital Tours LLC as the owner.<sup>1</sup> Insurance records for the motorcoaches and minibus indicate coverage exists in the name of "Ali Zohery d/b/a Zohery Tours."

Respondent did not produce any of the three vans that failed inspection by Commission staff earlier this year. The failure of those vans to pass inspection was one of the principal reasons this investigation was initiated. In addition, respondent continues to advertise on its website services, and rates for services, between

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<sup>1</sup> Nation's Capital Tours, L.L.C., held Certificate No. 442 from September 3, 1998, until December 18, 2001, when it was revoked for failure to file an annual report for 2000 and pay the annual fee for 2001. In re Nation's Capital Tours, L.L.C., No. MP-01-84 & MP-01-93, Order No. 6462 (Dec. 18, 2001).

points in the Metropolitan District that are not described in a tariff on file with the Commission. Tour rates advertised on respondent's website are not the same as those in respondent's tariff. Respondent advertises flat-fare service to local airports, but such service is not described in respondent's tariff.

On July 22, respondent filed a request to extend the thirty-day deadline for responding to Order No. 6710 until the end of this year. Respondent's owner, Mr. Zohery, explains that he is in the middle of writing a dissertation for a Ph.D. and expects to finish it by the end of the year. We will deny the request. First, the request was filed late. Second, the request does not explain why thirty days was not enough time to strip "WMATC No. 362" from the motorcoaches and minibus and correct the markings on the three vans. We doubt that this is something Mr. Zohery would do personally as opposed to contracting with a commercial lettering firm, as is customary in this industry.

The inspection reveals that respondent has made no discernible progress in bringing its operations into compliance with Commission regulations as commanded by Order No. 6710. It does not take six months to strip "WMATC No. 362" from the motorcoaches and minibus, update the tariff filed in 1996, file appropriate leases and correct the markings on three vans. Accordingly, the request for additional time is denied, and Certificate No. 362 stands suspended pursuant to Order No. 6710.

Pursuant to Article XIII, Section 1(d)(i), of the Compact, respondent shall be ordered to immediately cease advertising services, and rates for services, between points in the Metropolitan District that are not lawfully described in a tariff on file with the Commission.

Pursuant to Article XIII, Section 1(d)(i), of the Compact, respondent shall be ordered to immediately remove "WMATC No. 362" from, and cease and desist operating in the Metropolitan District, vehicles seating more than 15 persons, including the driver.

Pursuant to Article XIII, Section 6(f)(i), respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating the 15-person seating capacity restriction in Certificate No. 362, Commission Regulations Nos. 61, 62, and 63, and Order No. 6710.

Respondent shall have thirty days to show cause why Certificate No. 362 should not be revoked under Article XI, Section 10(c), of the Compact for willful failure to comply with the 15-person seating capacity restriction in Certificate No. 362, Commission Regulations Nos. 61, 62, and 63, and Order No. 6710.

THEREFORE, IT IS ORDERED:

1. That the request for a six-month extension of time to comply with Order No. 6710 is hereby denied.

2. That Certificate of Authority No. 362 stands suspended pursuant to Order No. 6710.

3. That respondent shall immediately cease advertising services, and rates for services, between points in the Metropolitan District that are not lawfully described in a tariff on file with the Commission.

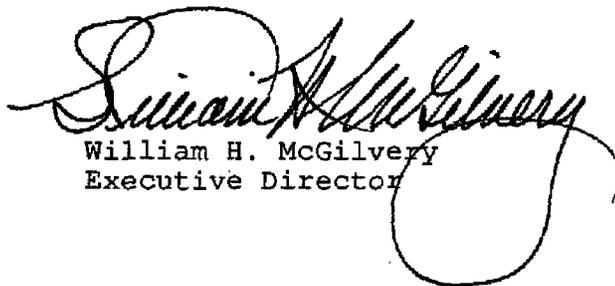
4. That respondent shall immediately remove "WMATC No. 362" from, and cease and desist operating in the Metropolitan District, vehicles seating more than 15 persons, including the driver.

5. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating the 15-person seating capacity restriction in Certificate No. 362, Commission Regulations Nos. 61, 62, and 63, and Order No. 6710.

6. That respondent shall have thirty days to show cause why Certificate No. 362 should not be revoked for willful failure to comply with the 15-person seating capacity restriction in Certificate No. 362, Commission Regulations Nos. 61, 62, and 63, and Order No. 6710.

7. That respondent may file within 15 days from the date of this order a request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

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

  
William H. McGilvery  
Executive Director