

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6810

IN THE MATTER OF:

Served September 20, 2002

WILLIAM E. GILLISON, Trading as)
QUIANA TOURS, WMATC No. 290,)
QUIANA TOURS, INC., and BARON)
TRANSPORTATION, INC., WMATC No. 33,)
Investigation of Unauthorized)
Operations and Violation of)
Regulations Governing Vehicle)
Identification and Leases)

Case No. MP-2002-97

This investigation is being initiated to determine whether William E. Gillison, trading as Quiana Tours, WMATC No. 290, has violated Commission Regulations Nos. 61 and 62 governing vehicle identification and leases, respectively.

This investigation also is being initiated to determine whether Quiana Tours, Inc., and Baron Transportation, Inc., WMATC No. 33, transported passengers for hire without proper authority in violation of Article XI, Section 6(a), of the Compact, governing certificates of authority.

Baron's Certificate of Authority No. 33 was automatically suspended on June 6, 2002, for Baron's willful failure to comply with the Commission's insurance requirements.¹ That same day, Baron transmitted copies of five insurance cards to the Commission showing that Baron's five buses were being carried on an insurance policy belonging to Gillison.

On June 18, 2002, Baron transmitted a copy of a document dated June 17, 2002, and apparently signed by Baron president, Philip Luelsdorff, and by Gillison, declaring that: "Effective on May 31, 2002 Quiana Tours will be leasing Baron Transportation buses." The five buses listed in the "lease" document match the five buses identified in the five insurance cards and the five buses identified in Baron's annual report for 2001.

On July 24, 2002, the Commission obtained a vehicle list from Gillison's insurance company. The list shows that the five Baron buses were added to Gillison's insurance policy effective June 5, 2002.

Baron's Certificate of Authority No. 33 was revoked on August 7, 2002, for Baron's continued willful failure to comply with

¹ In re Baron Transp., Inc., No. MP-02-42, Order No. 6685 (June 6, 2002).

the Commission's insurance requirements.² That same day, Commission staff observed one of the Baron buses being operated in the District of Columbia without any markings to indicate it was now under Gillison's control. This was the second time staff had observed a Baron bus operating in DC without Gillison identification. The first was on July 17, 2002, and involved a different bus. Staff observed a third Baron bus operating in DC without Gillison identification on August 20, 2002.

These observations raise the issue of whether Baron continued operating its buses while suspended, and then revoked, or whether Gillison has been operating these vehicles without the vehicle markings -- carrier name and number -- required by Regulation No. 61.

Another issue is whether the five Baron buses and Gillison's own five buses are being operated by Quiana Tours, Inc. This issue is raised by Gillison filing his 2001 annual report in the name of Quiana Tours, Inc. This happened once before when Gillison filed his annual report for 1997. The Commission opened an investigation into whether Gillison had transferred control to the corporation. The investigation revealed that Gillison had formed Quiana Tours, Inc., as a Maryland corporation in 1994 but that the corporate charter had been forfeited in 1996. The Commission ordered Gillison to cease and desist all operations in the Metropolitan District under the name "Quiana Tours, Inc." Gillison assured the Commission that he would file an application to transfer Certificate No. 290 to Quiana Tours, Inc., once the charter had been revived. The charter was revived in 1999, forfeited again in 2001, and revived again in January 2002, but no transfer application was filed.

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

We shall direct Baron to produce any and all records and documents in its possession, custody or control relating to transportation of passengers for hire between points in the Metropolitan District during the period beginning May 31, 2002, and ending on the date of this order.

We shall direct Gillison and Quiana Tours, Inc., to produce any and all 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 August 5, 1999, and ending on the date of this order.

² In re Baron Transp., Inc., No. MP-02-42, Order No. 6763 (Aug. 7, 2002).

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

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

We shall also direct respondents to bring their operations into compliance with the Compact and Commission regulations and produce their revenue vehicles for inspection.

THEREFORE, IT IS ORDERED:

1. 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.

2. That respondents are hereby directed to immediately bring their operations into compliance with the Compact and Commission regulations.

3. That Baron Transportation, Inc., is hereby directed to produce, within thirty days from 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 Baron's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning May 31, 2002, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts, invoices and confirmations;
- b. evidence of communications, including telephone logs, facsimile transmissions, and correspondence;
- c. calendars and itineraries;
- d. bank records;
- e. vehicle operator hours-of-service records;
- f. payroll records; and
- g. advertising materials.

4. That William E. Gillison, trading as Quiana Tours, and Quiana Tours, Inc., are hereby directed to produce, within thirty days from 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 their possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning August 5, 1999, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. evidence of communications, including telephone logs, facsimile transmissions, and correspondence;
- c. calendars and itineraries;
- d. bank records;

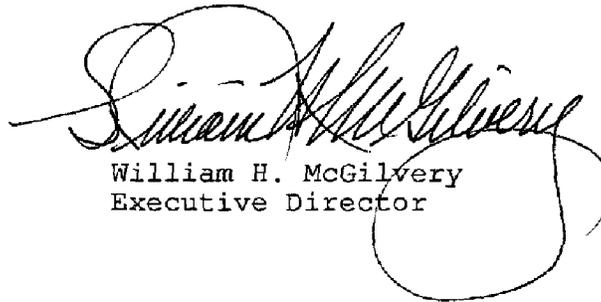
- e. vehicle operator hours-of-service records;
- f. payroll records;
- g. advertising materials;
- h. income and property tax returns; and
- i. USDOT Forms MCS-150.

5. That respondents are hereby directed to produce all revenue vehicles for inspection by Commission staff within thirty days from the date of this order.

6. That Certificate of Authority No. 290 shall be automatically suspended upon the failure of William E. Gillison, trading as Quiana Tours, to timely comply with this order.

7. That in the event Certificate of Authority No. 290 is suspended pursuant to the preceding paragraph, William E. Gillison, trading as Quiana Tours, shall have thirty days thereafter to show cause why Certificate of Authority No. 290 should not be revoked.

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



William H. McGilvery
Executive Director