

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8640

IN THE MATTER OF:

Served April 7, 2005

COMPREHENSIVE CARE II, INC.,)
WMATC No. 374, Investigation of)
Compliance with Article XI,)
Section 14, of the Compact and)
Commission Regulation No. 61)

Case No. MP-2004-212

This matter is before the Commission on the response of respondent to Order No. 8458, served December 6, 2004, which directed respondent to file an effective tariff and produce all revenue vehicles for inspection by Commission staff within thirty days or show cause why Certificate No. 374 should not be suspended or revoked for willful failure to comply with Article XI, Section 14, and Article XII, Section 1(b), of the Compact, Commission Regulation No. 59-01(c), and the terms of the order itself.

Respondent timely filed five acceptable contract tariffs but to date has only produced two of the six revenue vehicles listed in its 2004 annual report filed January 28, 2005.

Article XII, Section 1(b), of the Compact, provides that "[t]he Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes." (Emphasis added). Commission Regulation No. 59-01(c) is to the same effect.

We find that respondent has failed to show cause why it should not be suspended for failing to present all of its revenue vehicles for inspection as directed by Order No. 8458.

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent,¹ and/or revoke Certificate No. 374,² for failing to fully comply with Article XII, Section 1(b), of the Compact, Commission Regulation No. 59-01(c), and Commission Order No. 8458.

¹ A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate 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. Compact, tit. II, art. XIII, § 6(f).

² The Commission may suspend or revoke all or part of any certificate of authority for willful failure to comply with a provision of the Compact, an order, rule, or regulation of the Commission, or a term, condition, or limitation of the certificate. Compact, tit. II, art. XI, § 10(c).

THEREFORE, IT IS ORDERED:

1. That Certificate No. 374 is suspended pursuant to Article XI, Section 10(c), of the Compact for willful failure to comply with Article XII, Section 1(b), of the Compact, Commission Regulation No. 59-01(c), and Commission Order No. 8458.

2. That respondent shall not transport passengers for hire under Certificate No. 374, unless and until otherwise ordered by the Commission.

3. 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 Article XII, Section 1(b), of the Compact, Commission Regulation No. 59-01(c), and Order No. 8458.

4. That respondent shall have thirty days to show cause why the Commission should not revoke Certificate No. 374 for respondent's willful failure to comply with Article XII, Section 1(b), of the Compact, Commission Regulation No. 59-01(c), and Commission Order No. 8458.

5. 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 AND MILLER:


William S. Morrow, Jr.
Executive Director