

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9176

IN THE MATTER OF:

Served December 9, 2005

UNWANA AKPAN, Trading as SAMMY )  
TRANSPORT, Suspension and )  
Investigation of Revocation of )  
Certificate No. 778 )  
Case No. MP-2005-74

This matter is before the Commission on respondent's response to Order No. 8807, served July 1, 2005.

**I. BACKGROUND**

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 778 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 778 became invalid on June 30, 2005, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 8807 noted the automatic suspension of Certificate No. 778 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 778, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No 778.

**II. RESPONSE AND DIRECTION TO SHOW CAUSE**

Initially, respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on July 28, 2005, with an effective date of July 21, 2005. Later, respondent submitted a revised \$1.5 million primary WMATC Insurance Endorsement from the same insurance company on July 28, 2005, this time with an effective date of June 30, 2005.

In the meantime, the Commission received a statement from ACS State Healthcare, the agent for processing carrier invoices for the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid), indicating that respondent submitted

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

claims for transporting DC Medicaid passengers on June 30, 2005, July 1, 2005, and each day from July 5, 2005, to and including July 8, 2005. A total of four passengers were transported, although not all four on all four days.

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.<sup>3</sup> 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.<sup>4</sup>

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 778, for transporting DC Medicaid passengers without authority on six days in June and July of 2005.

THEREFORE, IT IS ORDERED:

1. 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 XI, Section 6(a), of the Compact and Commission Order No. 8807.

2. That respondent shall have thirty days to show cause why the Commission should not revoke Certificate No. 778 for respondent's willful failure to comply with Article XI, Section 6(a), of the Compact and Commission Order No. 8807.

3. That respondent may submit within 15 days from the date of this order a written 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, MILLER, AND SMITH:



William S. Morrow, Jr.  
Executive Director

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<sup>3</sup> Compact, tit. II, art. XIII, § 6(f).

<sup>4</sup> Compact, tit. II, art. XI, § 10(c).