

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,716

IN THE MATTER OF:

Served August 23, 2007

ALEM MESFIN, Trading as AM)
TRANSPORTATION, Suspension and)
Investigation of Revocation of)
Certificate No. 1233)

Case No. MP-2006-201

This matter is before the Commission on respondent's response to Order No. 10,517, served June 1, 2007.

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."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1233 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. 1233 was rendered invalid on December 19, 2006, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 10,147, served December 19, 2006, noted the automatic suspension of Certificate No. 1233 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 1233, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1233.

Respondent submitted a \$1.5 million primary WMATC Insurance Endorsement on January 26, 2007, and paid the \$50 late fee on May 15, 2007. The effective date of the new endorsement is February 1, 2007. This means that respondent was without insurance coverage for forty-four days, from December 19, 2006, through January 31, 2007.

Under Commission Rule No. 28, respondent is required to verify that he ceased transporting passengers for hire under Certificate No. 1233 as directed by Order No. 10,147. Order No. 10,517 accordingly gave respondent thirty days to verify that he ceased operations as of December 19, 2006. Inasmuch as respondent's general

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

tariff covers service rendered to the general public and to clients of the District of Columbia Department of Health, Medical Assistance Administration (DC Medicaid), respondent's verification was to be corroborated by evidence from respondent's general business records and by confirmation from DC Medicaid.³

II. RESPONSE AND ORDER TO SHOW CAUSE

Respondent has produced copies of some business records responsive to the order and a written statement that says, except for some "personal limo business", respondent has not operated since being notified that his insurance was cancelled. But respondent has not produced any confirmation from DC Medicaid, and there is nothing in the record to show that respondent has any passenger carrier authority other than Certificate No. 1233 under which it would have been lawful to conduct his "personal limo business" while Certificate No. 1233 was suspended/invalid.

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1233, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding by conducting operations under an invalid/suspended certificate of authority and failing to produce a statement from DC Medicaid.⁴

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, Regulation No. 58, and the orders issued in this proceeding.

2. That respondent shall have thirty days to show cause why the Commission should not revoke Certificate No. 1233 for respondent's willful failure to comply with Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

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 AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Special People Transportation, LLC*, No. MP-06-103, Order No. 9849 (Aug. 18, 2006) (requiring records and Medicaid corroboration).

⁴ See *In re Zee Transp., Serv. Inc.*, No. MP-07-120, Order No. 10,654 (July 24, 2007) (requiring carrier that admitted operating while suspended to show cause).