

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,926

IN THE MATTER OF:

Served November 20, 2007

OSWIN ROSE, Investigation of Failure)
to Produce Manifests and Order to)
Show Cause)

Case No. MP-2007-246

Pursuant to Title II, Article XIII(1)(c) of the Compact, "The Commission may investigate on its own motion a fact, condition, practice, or matter to determine whether a person has violated or will violate a provision of this Act or a rule, regulation, or order; or enforce the provisions of this Act or prescribe or enforce rules or regulations under it"

The Commission has jurisdiction over "the rates, charges, regulations, and minimum insurance requirements for taxicabs and other vehicles that perform a taxicab service, where the taxicab or other vehicle (i) has a seating capacity of 9 persons or less, including the driver; and (ii) provides transportation from one signatory to another within the Metropolitan District."¹

On August 17, 2007, the Commission received a complaint against Oswin Rose, District of Columbia Hack License No. 71616, alleging that Mr. Rose overcharged for a taxicab trip on that day from Washington, D.C., to Silver Spring, Maryland.

Commission staff calculated the appropriate fare for the trip alleged in the complaint, and determined that the complaint made out a *prima facie* case of an overcharge on an interstate trip. Staff then contacted the District of Columbia Taxicab Commission to confirm the identity of the driver and obtain contact information.

Commission staff subsequently sent a letter to Mr. Rose, notifying him to appear at the Commission on September 26 with his passenger manifests for the period beginning August 1, 2007, and ending August 31, 2007. The letter cautioned that "[f]ailure to produce a manifest on request is punishable by a fine of \$100 and may lead to suspension or revocation of your operating privileges."

Mr. Rose appeared at the appointed time but produced only two days' worth of manifests. According to Mr. Rose, the other manifests from the period in question had become waterlogged when beverages stored in the trunk of Mr. Rose's taxicab leaked from their containers. Mr. Rose did not explain why he did not produce the waterlogged manifests or how it was that the two days' worth of

¹ Compact, Title II, Article XI, Section 1(b).

manifests he did produce had escaped the same fate. In any event, the manifests that he did produce failed to identify the specific dates on which the trips were made.

Commission Order No. 91, served November 15, 1961, prescribes regulations applicable to taxicabs domiciled and licensed in the District of Columbia. Those regulations state in applicable part:

1.(a). Records

The driver of each taxicab, whether owner or employee, shall keep a daily manifest dated and signed by the driver upon which he shall enter for each engagement the points of origin and destination, odometer reading at origin and destination, the fare collected and the number of passengers. The manifests shall be preserved and be available for examination by the Commission for a period of one year.

Pursuant to Title II, Article XIII, Section 6(f)(i) of the Compact, "[a] person who knowingly and willfully violates a provision of this Act, or a rule, regulation, requirements, 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."

Mr. Rose shall be directed to show cause why he should not be assessed a civil forfeiture for knowingly and willfully violating Commission Order No. 91 by not preserving his daily manifests and making them available for examination by the Commission.

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 Commission Order No. 91.

2. 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