

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 13,702

IN THE MATTER OF:

Served January 23, 2013

DESTINY TOURS, LLC, Suspension and )  
Investigation of Revocation of )  
Certificate No. 1065 )

Case No. MP-2012-103

This matter is before the Commission on respondent's response to Order No. 13,599, served November 28, 2012.

**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. 1065 for a minimum of \$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. 1065 was rendered invalid on October 25, 2012, when the \$5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 13,559 noted the automatic suspension of Certificate No. 1065 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1065, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1065.

Respondent thereafter paid the late fee and submitted the necessary WMATC Insurance Endorsements, and the suspension was lifted in Order No. 13,599, served November 28, 2012, but because the effective date of the new endorsements is October 31, 2012, instead of October 25, 2012, the order gave respondent 30 days to verify cessation of operations as of October 25, 2012, in accordance with Regulation No. 58-14. And because respondent's only tariff is for service rendered to the public, the order gave respondent 30 days to

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

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

corroborate the verification with copies of respondent's pertinent business records.

## **II. RESPONSE TO ORDER NO. 13,599**

Respondent submitted the statement of its president, Eddie Soto, on December 26, 2012. The statement appears to claim that respondent did not operate "between October 1st, 2012 and November 28th, 2012."

In addition, on December 27, 2012, respondent submitted copies of checking account statements for October and November 2012. The statements, however, are for the account(s) of "Destiny Travel and Tours LLC", not "Destiny Tours, LLC". Furthermore, only odd-numbered pages were submitted. Even-numbered pages are missing. Finally, except for individual transaction entries, the statements are in Spanish.

Respondent submitted no other documents.

## **III. REQUEST FOR ADDITIONAL INFORMATION**

According to the website of the Virginia State Corporation Commission, (VASCC),<sup>3</sup> Destiny Travel and Tours LLC was formed on April 25, 2012. And according to the VASCC and the bank statements furnished by respondent, Destiny Travel and Tours LLC occupies the same premises in Woodbridge, Virginia, as respondent.

We will require respondent to explain its relationship to Destiny Travel and Tours LLC. We will also require respondent to explain its relationship with Sprinter Bus LLC, which is the name appearing on the check tendered in payment of respondent's \$100 late-insurance fee.

In addition, because respondent clearly has access to bank statements for Destiny Travel and Tours LLC, we will require respondent to produce, in English, all bank statements for that entity from April 25, 2012, to present. We also will direct respondent to produce the signature card(s) used to open the Destiny Travel and Tours LLC account(s).

Further, respondent is reminded that order No. 13,599 directed respondent to produce copies of all business records in its possession, custody, or control, not just bank statements. We shall expand the scope of production to include business records from April 1, 2012, to present.

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<sup>3</sup> <http://www.scc.virginia.gov/>.

THEREFORE, IT IS ORDERED:

1. That within 30 days, respondent shall file a written statement explaining its relationship to Destiny Travel and Tours LLC and Sprinter Bus LLC.

2. That within 30 days from the date of this order, respondent shall produce, in English, all bank statements issued in the name of Destiny Travel and Tours LLC from April 25, 2012, to the date of this order, plus copies of the signature card(s) used to open said account(s).

3. That within 30 days from the date of this order, respondent shall produce any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent'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 April 1, 2012, and ending on the date of this order, including, but not limited to any and all:

- a. customer contracts and invoices;
- b. calendars and itineraries;
- c. bank and credit card statements.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND BELLAMY:



William S. Morrow, Jr.  
Executive Director