

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 14,594

IN THE MATTER OF:

Served February 26, 2014

BETTER BUSINESS CONNECTION, INC.,)
T/A BBC EXPRESS, WMATC No. 227; BBC)
VAN SERVICE, INC., T/A BBC CHARTER)
AND LIMO; ABE'S LIMO, INC., T/A)
ABE'S LIMO; and BEST BUS COMPANY,)
LLC, T/A BBC: Investigation of)
Violation of Article XI, Section)
Nos. 6(a) & 11(b), of the Compact,)
WMATC Reg. Nos. 61, 62, & 63, and)
WMATC Order Nos. 12,238 & 13,258)

Case No. MP-2013-028

This matter is before the Commission upon respondents' response to Order No. 13,741, served February 15, 2013, which initiated this investigation, stayed Case No. AP-2013-019, and directed respondents to: (1) identify their owners, officers, etc.; (2) present their vehicles for inspection by Commission staff; and (3) produce copies of their business records from January 1, 2010, to present.

I. JURISDICTION

The Washington Metropolitan Area Transit Regulation Compact,¹ (Compact), applies to: "the transportation for hire by any carrier of persons between any points in the Metropolitan District."² A person may not engage in transportation subject to the Compact unless there is in force a Certificate of Authority issued by the Washington Metropolitan Area Transit Commission (WMATC) authorizing the person to engage in that transportation.³ "A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority."⁴ "Each authorized

¹ Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990), amended by Pub. L. No. 111-160, 124 Stat. 1124 (2010) (amending tit. I, art. III).

² Compact, tit. II, art. XI, § 1. The Metropolitan District includes: the District of Columbia; the cities of Alexandria and Falls Church of the Commonwealth of Virginia; Arlington County and Fairfax County of the Commonwealth of Virginia, the political subdivisions located within those counties, and that portion of Loudoun County, Virginia, occupied by the Washington Dulles International Airport; Montgomery County and Prince George's County of the State of Maryland, and the political subdivisions located within those counties Compact, tit. I, art. II.

³ Compact, tit. II, art. XI, § 6(a).

⁴ Compact, tit. II, art. XI, § 11(b).

carrier shall: . . . (b) observe and enforce Commission regulations established under [the Compact]."⁵

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 the Compact or a rule, regulation, or order.⁶

II. RESPONDENTS

Better Business Connection, Inc., trading as BBC Express, has held WMATC Certificate of Authority No. 227 since June 15, 1993.

BBC Van Service, Inc., trading as BBC Charter and Limo, was conditionally granted WMATC Certificate No. 1656 on November 25, 2009.⁷ The conditional grant order noted that BBC Charter and Limo had a presumptive control relationship with BBC Express and admonished BBC Charter and Limo to keep its assets, books, finances and operations completely separate from those of BBC Express.⁸ Sharing of office space was allowed, but this was not to be construed as permission to share revenue vehicles or operating authority.⁹ The issuance of Certificate No. 1656 was expressly made contingent on BBC Charter and Limo filing additional documents and passing a vehicle inspection conducted by Commission staff within 180 days.¹⁰ BBC Charter and Limo failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.¹¹

Abe's Limo, Inc., trading as Abe's Limo, applied for WMATC operating authority in 2010, but the application was dismissed on March 22, 2011, for failure to prosecute.¹²

Best Bus Company, LLC, was conditionally granted WMATC Certificate No. 1933 on May 9, 2012.¹³ The conditional grant order noted that Best Bus Company had a control relationship with BBC Express, WMATC No. 227, and admonished Best Bus Company to keep its assets, books, finances and operations completely separate from those

⁵ Compact, tit. II, art. XI, § 5.

⁶ Compact, tit. II, art. XIII, § 1(c).

⁷ *In re BBC Van Serv., Inc., t/a BBC Charter and Limo*, No. AP-08-179, Order No. 12,238 (Nov. 25, 2009).

⁸ *Id.*

⁹ *Id.*

¹⁰ *See id.*

¹¹ *See id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); see also Commission Reg. No. 66-01 (failure to comply with conditions of grant within 180 days voids approval).

¹² *In re Abe's Limo, Inc., t/a Abe's Limo*, No. AP-10-030, Order No. 12,772 (Mar. 22, 2011).

¹³ *In re Best Bus Co.*, No. AP-12-053, Order No. 13,258 (May 9, 2012).

of BBC Express.¹⁴ Sharing of office space was allowed, but this was not to be construed as permission to share revenue vehicles or operating authority.¹⁵

The issuance of Certificate No. 1933 to Best Bus Company was expressly made contingent on Best Bus Company filing additional documents and passing a vehicle inspection conducted by Commission staff within 180 days.¹⁶ To that end, Best Bus Company presented two vehicles for inspection, each marked "Owned by Abe's Limo Inc." and "Operated by BBC". When staff advised Best Bus Company that the Commission did not recognize the "BBC" trade name, Best Bus Company filed an application to add that name to the yet-to-be-issued Certificate No. 1933. The trade name application was later dismissed for Best Bus Company's failure to prosecute.¹⁷

Ultimately, Best Bus Company failed to timely satisfy the conditions for issuance of Certificate No. 1933, thereby voiding the Commission's approval.¹⁸ Best Bus Company renewed its proposal to conduct WMATC operations under the "BBC" trade name in an application filed January 23, 2013, in Case No. AP-2013-019. A decision is pending in that proceeding.

III. BASIS FOR INVESTIGATION

The record in the 2012 Best Bus Company trade name application shows that the application fee was paid by check drawn on the account of "BBC Express/Abes Limo". This would appear to violate the admonition in WMATC Order No. 13,258 that Best Bus Company keep its finances completely separate from those of BBC Express.

By letter dated October 18, 2012, Best Bus Company was directed to explain why the application fee was paid by BBC Express/Abe's Limo and to submit proof that the joint BBC Express/Abe's Limo bank account had been dissolved and replaced by separate accounts for these two companies. Best Bus Company did neither.

Although the application fee for Best Bus Company's latest application was paid by check drawn on Best Bus Company's account, the check is drawn on the same bank and displays the same account number as the BBC Express/Abe's Limo check submitted in payment of the 2012 trade name application, which would appear to constitute continued commingling of assets in violation of WMATC Order No. 13,258.¹⁹

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *See id.*

¹⁷ *In re Best Bus Co.*, No. AP-12-150, Order No. 13,616 (Nov. 30, 2012).

¹⁸ *See* Order No. 13,258 (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); *see also* Commission Reg. No. 66-01 (failure to comply with conditions of grant within 180 days voids approval).

¹⁹ Best Bus Company has produced some bank records showing the account in question was opened in October 2011 as a Best Bus Company account, but Best

More troubling was the BBC Express website.²⁰ As of February 15, 2013, the website displayed various vehicles marked "BBC Charter and Limo". At least one of those vehicles also displayed "WMATC 227". This would appear to violate the admonition in WMATC Order No. 12,238 that BBC Charter and Limo keep its assets and operations completely separate from those of BBC Express and that these carriers may not share revenue vehicles or operating authority, and it implicates violations of WMATC Regulation No. 63 regarding advertising. Alternatively, if BBC Express was operating BBC Charter and Limo vehicles, these images on the website as of February 15, 2013, could be considered evidence of violation of Regulation No. 61 regarding vehicle markings and/or Regulation No. 62 regarding vehicle leases.

As of February 15, 2013, the website also accepted reservations for "Abe's Limousine & Tours". Although no WMATC order expressly cautions Abe's Limo against violating the Compact and Commission regulations thereunder, this advertising link between BBC Express and Abe's Limo implicates violations of Article XI, Section Nos. 6(a) and 11(b), of the Compact, requiring carriers operating in the Metropolitan District to obtain WMATC authority and prohibiting carriers from operating under WMATC authority granted to others, respectively, and it implicates violations of WMATC Regulation No. 63 regarding advertising. Alternatively, if BBC Express was operating the Abe's Limo vehicles, this feature of the website as of February 15, 2013, could be considered evidence of a violation of Regulation No. 62 regarding vehicle leases.

The Commission accordingly launched this investigation in Order No. 13,741, served February 15, 2013, and therein stayed Case No. AP-2013-019 and directed respondents to: (1) identify their owners, officers, etc.; (2) present their vehicles for inspection by Commission staff; and (3) produce copies of their business records from January 1, 2010, to present.

IV. RESPONSE & PRELIMINARY FINDINGS

According to respondents, as of April 15, 2013, Better Business Connection, Inc., and BBC Van Express, Inc., were controlled by Mahmoud Abu-Ghannam, and Abe's Limo, Inc., and Best Bust Company, LLC, shared two owners: Hani Abraham and Hazim Abu-Ghannam. But respondents also had this to say:

The list below reflects the owners, officers, directors and managing members of the respondent entities as shown on their corporate and company records. These records, however, do not fully reflect the intent of some or all of

Bus Company does not explain why "BBC Express/Abe's Limo", and not "Best Bus Company", appears on the face of the check drawn against that account and submitted in payment of the 2012 Best Bus Company trade name application.

²⁰ <http://www.bbcexpress.com>.

those entities and their respective owners to restructure some of those entities to conform with their verbal discussions. Counsel for the respondents is in the process of documenting the intended reorganization so that it conforms to the respondents intent, Virginia law regarding Limited Liability Companies and Corporations as well as WMATC requirements.

Respondents have yet to submit any documentation regarding reorganization, but respondents have produced copies of income tax returns and associated records, as well as bank records, vehicle records, driver records, and airline contracts. These documents, together with the evidence recited above, tend to demonstrate the existence of the following violations of the Compact and WMATC Regulations and Orders thereunder.

A. Operating Without WMATC Authority: 2010-2012

The Compact applies to "the transportation for hire by any carrier of persons between any points in the Metropolitan District."²¹ "'Carrier' means a person who engages in the transportation of passengers by motor vehicle or other form or means of conveyance for hire."²²

In determining the party who in reality is performing a given transportation service, the overall test of substance involving an inquiry into all pertinent factors - including control, responsibility, and assumption of financial risk - is the decisive consideration. Usually, no single factor is by itself conclusive. See *United States v. Drum*, 82 S. Ct. 408 (1962). In the final analysis the question is: does the purported carrier assume to a significant degree the characteristic burdens of the transportation business? Hence, a lessee in a bona fide vehicle-lease arrangement resulting in private carriage must (a) control, direct, and dominate the operations and (b) assume the responsibilities, the risks, the duties and the burdens of transportation. For instance, though a lessee may have operational control over the vehicle, and driver, the lessee is not a bona fide private carrier if the lessor rather than the lessee is actually controlling and directing the transportation service.

Washington, Va. & Md. Coach Co. v. Scenic Coach Rental, Inc., No. 165, Order No. 837 at 4-5 (July 10, 1968).

²¹ Compact, tit. II, art. XI, § 1.

²² Compact, tit. II, art. XI, § 4(a).

An entity furnishing both vehicle and driver is presumed to be a carrier.²³ An income tax return showing revenue for transportation service and deductions commonly associated with such service, is evidence that the filer is a carrier.²⁴

Article XI, Section 6(a), of the Compact states that "[a] person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission authorizing the person to engage in that transportation." Article XI, Section 11(a), of the Compact states that "[a] person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority."

1. Abe's Limo, Inc.

Included among the documents produced by respondents is a 2011 federal income tax return for Abe's Limo Inc. The business code entered on the return, 485320, is the code for "Limousine Service". Consistent therewith, the return shows a large deduction for vehicle depreciation expense, including depreciation of several vans and buses, a large deduction for the cost of labor, and deductions for repairs & maintenance, insurance, fuel, and driver travel. The claimed labor and driver travel expenses find support in a large number of Forms 1099-MISC reporting nonemployee compensation paid to various individuals by Abe's Limo Inc. in 2011.

Three of the buses listed on the 2011 income tax return are identified as B111, B411, and B511. Respondents have produced recent driver vehicle inspection reports for a number of vehicles including buses B111, B411, and B511. Several of the reports for these vehicles identify the "company" as "BBC/Abe's" or "BBC-ABES".

It thus appears that Abe's Limo, Inc., may have conducted passenger carrier operations for hire in the Metropolitan District in 2011 without WMATC authority, possibly under color of WMATC No. 227, using buses B111, B411, and B511.

2. BBC Van Service, Inc., t/a BBC Charter and Limo

Included among the documents produced by respondents are: (a) a copy of an airline-crew shuttle contract between BBC Charter and Limo and Colgan Airlines calling for service to and from Dulles Airport and Reagan Airport from September 27, 2010 through September 26, 2011; (b) a copy of an airline-crew shuttle contract between BBC Charter and Limo and Icelandair ehf., dated April 20, 2011, and calling for service to and from Dulles Airport from May 1, 2011 through April 30, 2014; and (c) a copy of a hotel shuttle contract between BBC Charter

²³ *In re Ecological Transp. Group, LLC, t/a Ecological Ride & as Ecological Limo*, No. AP-11-112, Order No. 13,246 at 2 (May 2, 2012).

²⁴ *In re Zohery Tours Int'l, Inc.*, No. MP-02-46, Order No. 7005 at 3 (Jan. 21, 2003).

and Limo and Marriott International, calling for service to and from Westfields Marriott Washington Dulles Hotel from January 14, 2010, to January 14, 2011.

Also included among the documents produced by respondents is a 2010 federal income tax return filed in the name of BBC Van Service, Inc. The business code entered on the return, 485990, is the code for "Other Transit & Ground Passenger Transportation". Consistent therewith, the return shows a large deduction for vehicle depreciation expense, including depreciation of several vans and buses, a large deduction for the cost of labor, and deductions for repairs, maintenance, and fuel.

It thus appears that BBC Van Service, Inc., t/a BBC Charter and Limo, may have conducted passenger carrier operations for hire in the Metropolitan District in 2010 without WMATC authority using its buses and vans. And it appears such operations may have continued into 2011. Although no 2011 income tax return has been produced for BBC Van Service, Inc., over 80 W-2s and some 60 1099-MISC (nonemployee compensation) forms have been produced for that employer for that year, which is consistent with direct payments to drivers in continuation of service under the aforementioned contracts.

3. Best Bus Company, LLC, t/a BBC

Included among the documents produced by respondents is a 2011 federal income tax return for Best Bus Company, LLC. The business code entered on the return, 485510, is the code for "Charter Bus Industry". Consistent therewith, the return shows deductions for insurance, repairs, maintenance, labor, fuel, driver travel, driver commissions, and car wash.

Also included among the documents produced by respondents is a 2012 federal income tax return for Best Bus Company, LLC. As with 2011, the business code entered on the 2012 return, 485510, is the code for "Charter Bus Industry". Unlike 2011, the 2012 return shows a single expense, "SUBCONTRACTOR TO BETTER BUSINESS". Said expense exactly equals Best Bus Company's reported revenue for that year. However, respondents have produced no income tax return for Better Business Connection, Inc., showing the corresponding income for that year, and the copies of the 93 1099-MISC (nonemployee compensation) forms and 20 W-2 forms issued by Best Bus Company for 2012 and produced by respondents indicate that Best Bus Company paid substantial sums for personal services rendered in the production of Charter Bus revenue in 2012. This is consistent with direct payments to drivers and inconsistent with the single claimed subcontract expense.

It thus appears that Best Bus Company, LLC, t/a BBC, may have conducted passenger carrier operations for hire in the Metropolitan District in 2011 and 2012 without WMATC authority using vehicles provided by others.

B. Operating Without WMATC Authority: 2013

The record on who has been acting as a carrier in 2013 is not entirely complete at this time.

If we focus on the vehicles, we see that respondents produced a list of 44 "Company Vehicles" on March 22, 2013, that includes a mix of sedans, vans, and buses, but the "Company" is not identified by name. It is clear, however, that most of those vehicles are registered to Abe's Limo, Inc. Just as it is clear that Better Business Connection, Inc., filed a lease covering the Abe's Limo, Inc., vehicles on April 15, 2013, but that lease was rejected on April 17, 2013, as incomplete and for Better Business Connection's failure to pay the associated filing fee. Better Business Connection, Inc., filed a corrected version on May 1, 2013, and paid the filing fee, but Better Business Connection, Inc., withdrew the lease the next day and has not filed a new one since.

If we focus on the copies of 2013 "Driver's Vehicle Inspection Reports" produced by respondents, we see that the "Company" is identified variously as "BBC", "BBC Express", "BBC Charter & Limo", and "BBC-Abes (or variation thereof)". "Driver Manifests" produced by respondents for 2013 identify the carrier(s) as "Abes & BBC Limousine and Tours". Respondents also have produced copies of driver medical cards issued in 2013 and DMV records printed out in 2013, but those documents do not identify the employer or employers, and respondents have produced no payroll records showing who in fact has been paying all of these drivers in 2013.

If we look at airline-crew shuttle invoices, we see that "BBC LLC" has submitted invoices to 15-20 airlines for shuttle service to and from Dulles and Reagan Airports in 2013. This dovetails with merchant banking statements produced by respondents showing receipt by "Best Bus Company LLC" of extensive credit card revenue in 2013.²⁵ But respondents have produced no bank records (and no invoices, if any) for any of the other respondents so that we might determine whether and to what extent the other respondents have received transportation-related revenue in 2013.

If we look at insurance records, we see that Better Business Connection, Inc., has reported to its insurance company only 10 of the vehicles on respondents' vehicle list.

Finally, if we consider respondents' Internet advertising, we see that in conjunction with the advertising of passenger carrier service in the Washington Metropolitan Area, the following names appear on the website www.bbcexpress.com: "BBC", "BBC Limo & Tours", "BBC Charter & Limo", "BBC Express", "Abe's|BBC Limousine & Tours", "Abe's Limousine & Tours", and "Best Bus Company". Further, we see that the "Careers" webpage still carries a photo of a bus marked

²⁵ No bank records have been produced for the other respondents.

"WMATC 227" and "BBC Charter & Limo". And we see that in conjunction with the advertising of passenger carrier service in the Washington Metropolitan Area, the following names appear on the website www.abeslimo.com: "BBC Limo & Tours", "Abe's|BBC Limousine & Tours", and "Abe's Limousine & Tours".

It thus appears that Abe's Limo, Inc., BBC Van Service, Inc., and Best Bus Company, LLC, acting individually or in concert, may have conducted passenger carrier operations for hire in the Metropolitan District in 2013.

C. Violation of Regulation No. 61: Vehicle Markings

Under WMATC Regulation No. 61-01(a), the following information must appear on both sides of each van and bus used to transport passengers under WMATC authority:

(a) [T]he carrier's legal name or trade name appearing on the carrier's certificate of authority, or otherwise approved by the Commission for use in the Metropolitan District, preceded by the phrase 'Operated By' if some other name also appears on the vehicle; and

(b) "WMATC" followed by either the carrier's certificate of authority number or, if applicable, the carrier's temporary authority or approval number.

All of the vans and buses produced by respondents for inspection by Commission staff displayed "WMATC 227". None displayed the name "Better business Connection, Inc.", and none displayed the WMATC-approved trade name "BBC Express". All were marked "Owned by Abe's Limo, Inc." and "Operated by BBC".

It thus appears that one or more respondents violated WMATC Regulation No. 61 in 2013.

D. Violation of Regulation No. 62: Vehicle Lease

Under WMATC Regulation No. 62:

No carrier subject to the jurisdiction of this Commission may charter, rent, borrow, lease, or otherwise operate in revenue service any motor vehicle to which such carrier does not hold title, except in accordance with this regulation. No carrier subject to the jurisdiction of this Commission shall operate any motor vehicle(s) as lessee thereof unless the contract of lease has been approved by the Commission

As noted above, all vans and buses presented for inspection by Commission staff are marked "Owned by Abe's Limo, Inc.", "Operated by BBC", and "WMATC 227". Also as noted above, Better Business Connection, Inc., filed a lease covering the Abe's Limo, Inc., vehicles on April 15, 2013, but that lease was rejected on April 17,

2013, and the corrected version filed May 1, 2013, was withdrawn the next day.

It thus appears that one or more respondents violated WMATC Regulation No. 62 in 2013.

E. Violation of Regulation No. 63: Advertising

WMATC Regulation No. 63 governs the advertising of services subject to WMATC jurisdiction and provides in pertinent part:

63-01. There shall be included in any advertising pamphlet, brochure or other exclusive publication of the carrier used as a medium for informing the general public of the carrier's services, a statement advising the general public that the carrier is regulated by the Commission.

63-02. The statement prescribed in this part shall be in such size and shape as to be readily legible and shall be clearly set forth as follows: "Carriers offering transportation services such as those described herein are regulated by the Washington Metropolitan Area Transit Commission, 8701 Georgia Avenue #808, Silver Spring, MD 20910-3700."

* * *

63-04. No carrier regulated by the Commission or subject to such regulation shall advertise or hold itself out (a) to perform transportation or transportation-related services within the Metropolitan District unless such transportation or transportation-related services are authorized by the Commission; or (b) to perform transportation or transportation-related services within the Metropolitan District at rates, fares, or charges or subject to rules, regulations, and practices that pertain to rates, fares, and charges, unless said rates, fares, charges, rules, regulations, or practices are contained in an effective tariff approved by the Commission.

Based on the evidence of respondents' Internet advertising of passenger carrier service in the Washington Metropolitan Area through the websites www.bbcexpress.com and www.abeslimo.com, it would appear that respondents may be in violation of WMATC Regulation No. 63, inasmuch as said websites do not contain the text required by Regulation No. 63, and only Better Business Connection, Inc., possesses authority to advertise passenger carrier service requiring WMATC authority.

F. Violation of Regulation No. 64: Out-of-Service Vehicles

On April 12, 2013, pursuant to WMATC Regulation No. 64-05, the Commission's Executive Director ordered 12 vehicles out of service for

respondents' failure to present them for inspection by Commission staff as required by Order No. 13,741.²⁶ Five subsequently passed inspection by staff. Seven remain classified as out of service. Among those seven, notwithstanding the admonition in Regulation No. 64-05, that no vehicle directed to be withdrawn from service may be returned to service absent a Commission order or written notice from the Executive Director, or designee, stating that the vehicle may be returned to service, it appears from mileage entries on vehicle maintenance records produced by respondents that the following six vehicles were operated while declared out of service.

V-110	VIN Ending	01222
V-210	VIN Ending	85180
V-410	VIN Ending	87777
V-411	VIN Ending	17522
V-511	VIN Ending	42396
S-513	VIN Ending	33415

G. Violation of Regulation No. 55: Tariffs

Under Title II, of the Compact, Article XI, Section 14(c), "A carrier may not charge a rate or fare for transportation subject to [the Compact] other than the applicable rate or fare specified in a tariff filed by the carrier under [the Compact] and in effect at the time."²⁷ Under Regulation No. 55, a carrier must file a general tariff if it offers standardized service at universally applicable rates.²⁸ A carrier must file a contract tariff if it offers tailored service on a continuing basis at negotiated rates.²⁹ "No carrier shall demand, receive, or collect any compensation for any transportation or transportation-related service, except such compensation as is specified in its currently effective tariff for the transportation or transportation-related service provided."³⁰

Better Business Connection, Inc., has two tariffs on file with the Commission: Contract Tariff No. CT-23, a contract tariff for service tailored to Lufthansa Airlines, and General Tariff No. GT-4, a general tariff for all other customers.

²⁶ One vehicle on the list was presented but failed for lack of fire extinguisher.

²⁷ See also Commission Regulation No. 55-02 ("[n]o carrier shall demand, receive, or collect any compensation for any transportation or transportation-related service, except such compensation as is specified in its currently effective tariff for the transportation or transportation-related service provided.")

²⁸ Regulation No. 55-07; *In re Mobility Express Inc.*, No. MP-11-062, Order No. 12,906 at 7 (July 7, 2011); *In re Executive Tech. Solutions, LLC.*, No. MP-10-090, Order No. 12,798 at 3 (Apr. 8, 2011); *In re Transcom, Inc.*, No. MP-09-034, Order No. 11,865 at 2 (Feb. 27, 2009); *In re Washington, D.C. Jitney Ass'n, Inc.*, No. AP-95-26, Order No. 4795 at 4 (Mar. 15, 1996).

²⁹ Regulation No. 55-08; Order No. 12,906 at 7-8; Order No. 12,798 at 3; Order No. 11,865 at 2; Order No. 4795 at 4.

³⁰ Regulation No. 55-02.

Respondents have furnished copies of invoices submitted to various airlines in 2012 and early 2013 for service between points in the Metropolitan District. These airlines include Air Canada, ANA, Lufthansa, and United.

As noted above, Better Business Connection's Contract Tariff No. CT-23 is a contract tariff for service tailored to Lufthansa Airlines. The fares reflected in invoices submitted to Lufthansa agree with the rates contained in Tariff No. CT-23.

Better Business Connection has no contract tariffs on file for the other three airlines. The fares in the invoices submitted to those other airlines, therefore, should agree with the rates in Better Business Connection's Tariff No. GT-4. They do not.

It thus appears that to the extent that the trips reflected in the invoices for Air Canada, ANA, and United were performed by Better Business Connection, those trips were performed in violation of Regulation No. 55.

V. ADDITIONAL DOCUMENTS ORDER

For the purpose of an investigation or other proceeding under this Act, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.³¹ The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.³²

The following respondents will be directed to produce the following documents in order that the record concerning the possible unlawful operations discussed above in Sections IV.A. and IV.B. shall be more complete.

Abe's Limo, Inc., shall have 30 days to produce copies of all customer invoices for 2011.

BBC Van Service, Inc., shall have 30 days to produce a copy of its 2011 federal income tax return and copies of all customer invoices for 2010 and 2011.

Best Bus Company, LLC, t/a BBC, shall have 30 days to produce copies of all customer invoices for 2011 and all invoices from Better Business Connection, Inc., for 2012.

³¹ Compact, tit. II, art. XIII, § 1(e).

³² Compact, tit. II, art. XII, § 1(b).

Respondents shall have 30 days to produce for 2013 copies of all customer invoices, all driver payroll records, and all bank records.

VI. CEASE AND DESIST ORDER

If the Commission finds that a respondent has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.³³

Respondents shall immediately cease operating in WMATC-regulated service the six out-of-service vehicles identified above in Section IV.F.

Respondents shall immediately cease advertising WMATC-regulated passenger carrier service through the websites www.bbcexpress.com and www.abeslimo.com.

VII. SHOW CAUSE ORDER

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.³⁴

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.³⁵

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.³⁶ The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by intentional or careless disregard or plain indifference.³⁷

Based on the evidence discussed above, the following respondents shall be given 30 days to show cause why the Commission should not assess a civil forfeiture against them for the following violations.

Abe's Limo, Inc., shall have 30 days to show cause why the Commission should not assess a civil forfeiture against Abe's Limo,

³³ Compact, tit. II, art. XIII, § 1(d).

³⁴ Compact, tit. II, art. XIII, § 6(f).

³⁵ Compact, tit. II, art. XI, § 10(c).

³⁶ *In re Epps Transp. Co., Inc.*, No. MP-08-124, Order No. 11,935 at 3 (Apr. 9, 2009).

³⁷ *Id.* at 3.

Inc., for violating Article XI of the Compact, Section 6(a), and/or Section 11(a), in 2011.

BBC Van Service, Inc., shall have 30 days to show cause why the Commission should not assess a civil forfeiture against BBC Van Service, Inc., t/a BBC Charter and Limo, for violating Article XI of the Compact, Section 6(a), and/or Section 11(a), in 2010 and 2011.

Best Bus Company, LLC, t/a BBC, shall have 30 days to show cause why the Commission should not assess a civil forfeiture against Best Bus Company, LLC, t/a BBC, for violating Article XI of the Compact, Section 6(a), and/or Section 11(a), in 2011 and 2012.

Respondents shall have 30 days to show cause why the Commission should not assess a civil forfeiture against Abe's Limo, Inc.; BBC Van Service, Inc., t/a BBC Charter and Limo; and Best Bus Company, LLC, t/a BBC, jointly and severally, for violating Article XI of the Compact, Section 6(a), and/or Section 11(a), in 2013.

Respondents shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondents, jointly and severally, for violating Regulation Nos. 55, 61, 62, 63, and 64 in 2013.

Finally, considering the overwhelming evidence of multiple violations of the Compact and WMATC regulations committed under color of WMATC Certificate No. 227 and the apparent ongoing nature of some of those violations, and considering respondents' commingling of funds and vehicles and stated intent to reorganize operations, respondents shall have 30 days to show cause why the Commission should not suspend or revoke Certificate No. 227.

THEREFORE, IT IS ORDERED:

1. That Abe's Limo, Inc., shall have 30 days to produce copies of all customer invoices for 2011, and 30 days to show cause why the Commission should not assess a civil forfeiture against Abe's Limo, Inc., for violating Article XI of the Compact, Section 6(a), and/or Section 11(a), in 2011.

2. That BBC Van Service, Inc., shall have 30 days to produce a copy of its 2011 federal income tax return and copies of all customer invoices for 2010 and 2011, and 30 days to show cause why the Commission should not assess a civil forfeiture against BBC Van Service, Inc., t/a BBC Charter and Limo, for violating Article XI of the Compact, Section 6(a), and/or Section 11(a), in 2010 and 2011.

3. That Best Bus Company, LLC, t/a BBC, shall have 30 days to produce copies of all customer invoices for 2011 and all invoices from Better Business Connection, Inc., for 2012, and 30 days to show cause why the Commission should not assess a civil forfeiture against Best

Bus Company, LLC, t/a BBC, for violating Article XI of the Compact, Section 6(a), and/or Section 11(a), in 2011 and 2012.

4. That respondents shall have 30 days to produce for 2013 copies of all customer invoices, all driver payroll records, and all bank records, and 30 days to show cause why the Commission should not assess a civil forfeiture against Abe's Limo, Inc.; BBC Van Service, Inc., t/a BBC Charter and Limo; and Best Bus Company, LLC, t/a BBC, jointly and severally, for violating Article XI of the Compact, Section 6(a), and/or Section 11(a), in 2013.

5. That respondents shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondents, jointly and severally, for violating Regulation Nos. 55, 61, 62, 63, and 64 in 2013.

6. That respondents shall have 30 days to show cause why the Commission should not suspend or revoke Certificate No. 227 pursuant to Article XI, Section 10(c), of the Compact for the willful violations of the Compact and regulations thereunder as committed from 2010 through 2013 by, and/or with the complicity of, Better Business Connection, Inc., trading as BBC Express.

7. That respondents shall immediately cease advertising through the websites www.bbcexpress.com and www.abeslimo.com passenger carrier service requiring WMATC authority.

8. That the following six vehicles shall be removed immediately from WMATC service and shall not be returned to WMATC service unless and until otherwise ordered by the Commission.

V-110	VIN Ending	01222
V-210	VIN Ending	85180
V-410	VIN Ending	87777
V-411	VIN Ending	17522
V-511	VIN Ending	42396
S-513	VIN Ending	33415

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



William S. Morrow, Jr.
Executive Director