

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,280

IN THE MATTER OF:

Served April 1, 2016

JONATHAN LEE GERITY SR, Trading as)
RIVERSIDE TRANSPORTATION,)
Suspension and Investigation of)
Revocation of Certificate No. 2735)

Case No. MP-2016-036

I. BACKGROUND

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 2735 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.

Respondent filed a \$1.5 million primary WMATC Insurance Endorsement on June 12, 2015, with an effective date of June 9, 2015, and an expiration date of February 25, 2016. Said Endorsement was canceled on November 13, 2015, effective December 13, 2015. Respondent did not file an acceptable \$1.5 million replacement Endorsement until February 25, 2016. The replacement Endorsement has an effective date of February 24, 2016, and an expiration date of February 24, 2017.

II. SUSPENSION AND LATE FEE

Under Regulation No. 58-12(a): "Failure to replace a WMATC Insurance Endorsement prior to termination shall result in immediate, automatic suspension of a carrier's WMATC operating authority. The carrier must suspend operations immediately and may not recommence operations unless and until otherwise ordered by the Commission."

Under Regulation No. 67-03(c), a \$100 late fee is due and payable upon the failure of a carrier to timely file a WMATC Certificate of Insurance and Policy Endorsement.

Under Regulation No. 58-13, the Commission may lift a suspension imposed under Regulation No. 58-12 once the carrier has filed the necessary replacement Endorsement(s) and paid the late fee under Regulation No. 67-03(c).

Respondent has yet to pay the late fee. Accordingly, Certificate No. 2735 is suspended and shall remain so until such time as respondent pays the \$100 late fee and the Commission has issued an order lifting the suspension.

III. INVESTIGATION

As noted above, the replacement Endorsement has an effective date of February 24, 2016, instead of December 13, 2015, the automatic suspension date of the Endorsement filed June 12, 2015. Under Regulation No. 58-14:

If a carrier's operating authority is suspended under Regulation No. 58-12 and the effective date of a later-filed replacement Endorsement falls after the automatic suspension date, the carrier must verify timely cessation of operations in accordance with Commission Rule No. 28 and corroborate the verification with client statements and/or copies of pertinent business records, as directed by Commission order.

In accordance with Regulation No. 58-14, respondent will be directed to submit a statement verifying cessation of operations as of December 13, 2015. The statement shall be corroborated by copies of respondent's pertinent business records and a statement from Medical Transportation Management, Inc, (MTM), one of respondent's principal clients, verifying cessation of MTM operations as of December 13, 2015.

THEREFORE, IT IS ORDERED:

1. That respondent shall not transport passengers for hire under Certificate No. 2735, unless and until otherwise ordered by the Commission.

2. That Certificate No. 2735 shall be subject to revocation pursuant to Article XI, Section 10(c), of the Compact, if respondent fails to pay the \$100 late fee by money order, check, or online by credit card, within 30 days.

3. That within 30 days from the date of this order, respondent shall state whether respondent ceased all operations in the Metropolitan District as of December 13, 2015.

4. That within 30 days from the date of this order, respondent shall produce a statement from Medical Transportation Management, Inc., (MTM) indicating whether respondent ceased its MTM operations in the Metropolitan District as of December 13, 2015.

5. 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 October 1, 2015, 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.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read "W. S. Morrow, Jr.", written in a cursive style.

William S. Morrow, Jr.
Executive Director