

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,438

IN THE MATTER OF:

Served January 31, 2018

ICONIC SEDAN, LLC, WMATC No. 2989, )  
Investigation of Violation of Order )  
No. 16,796 and Regulation No. 64-04 )

Case No. MP-2017-154

This matter is before the Commission on the failure of Iconic Sedan, LLC, to respond to Order No. 17,322, served November 30, 2017, which gave respondent 30 days to show cause why the Commission should not revoke Certificate No. 2989.

**I. BACKGROUND**

The Washington Metropolitan Area Transit Regulation Compact<sup>1</sup> authorizes the Washington Metropolitan Area Transit Commission (WMATC) to issue a certificate of passenger carrier authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.<sup>2</sup>

The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.<sup>3</sup>

The Commission approved the application of Iconic Sedan, LLC, (respondent), for a certificate of authority in Order No. 16,796 on January 10, 2017, subject to several conditions, including the condition that respondent produce a copy of the for-hire vehicle registration card for each vehicle to be operated under WMATC authority, as required by WMATC Regulation No. 64-04.<sup>4</sup> As of July 18, 2017, respondent had satisfied all conditions except the for-hire plate condition. In the absence of any passenger carrier authority, respondent was unable to obtain for-hire plates for its initial WMATC vehicle, a 2017 Infiniti with VIN ending 153316.

To resolve the impasse, the Commission issued WMATC Certificate No. 2989 to respondent on July 18, 2017, subject to a vehicle-out-of-service notice and subject to the proviso that respondent obtain for-

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<sup>1</sup> 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).

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

<sup>3</sup> Compact, tit. II, art. XI, § 7(d).

<sup>4</sup> *In re Iconic Sedan, LLC*, No. AP-16-218, Order No. 16,796 (Jan. 10, 2017).

hire plates for the 2017 Infiniti and submit a copy of the new registration to the Commission within 30 days or face revocation of Certificate No. 2989. Respondent did not comply.

Accordingly, Order No. 17,322, served November 30, 2017, gave respondent 30 days to show cause why the Commission should not revoke Certificate No. 2989 and 15 days to request an oral hearing.

Respondent has yet to respond.

## **II. FINDINGS**

Under the Compact, 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.<sup>5</sup>

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.<sup>6</sup>

Commission records show that respondent's fleet consists solely of the 2017 Infiniti and that the 2017 Infiniti still lacks for-hire plates.

We therefore find that respondent has failed to show cause why the Commission should not revoke Certificate No. 2989 for failure to satisfy all conditions of issuance stipulated in Order No. 16,796.

We also find that because respondent held Certificate No. 2989 as of January 1, 2018, respondent owes an annual report for 2018 and a \$175 annual fee for 2018 under Regulation Nos. 60 and 67, respectively, which respondent has yet to tender.

## **III. CONCLUSION**

Certificate No. 2989 shall be revoked pursuant to Article XI, Section 10(c), of the Compact.<sup>7</sup> Respondent's 2018 annual report and fee shall remain due.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 2989 is hereby revoked.
2. That respondent's unfiled annual report for 2018 and unpaid \$175 annual fee for 2018 shall remain due in accordance with Regulation Nos. 60 and 67.

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<sup>5</sup> Compact, tit. II, art. XI, § 10(c).

<sup>6</sup> *In re Party's in Motion, LLC*, No. MP-14-141, Order No. 15,426 (Mar. 3, 2015).

<sup>7</sup> See *id.* (authority revoked where private plates on sole revenue vehicle not replaced with for-hire plates).

3. That within 30 days from the date of this order respondent shall:

- a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
- b. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and
- c. surrender Certificate No. 2989 to the Commission.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD, MAROOTIAN, AND HOLCOMB:



William S. Morrow, Jr.  
Executive Director