

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,382

IN THE MATTER OF:

Served September 23, 2019

EASY TRANSPORTATION, LLC,)
Suspension and Investigation of)
Revocation of Certificate No. 1951)

Case No. MP-2018-111

This matter is before the Commission on the response of respondent to Order No. 17,777, served August 24, 2018.

I. BACKGROUND

Certificate No. 1951 was automatically suspended on August 10, 2018, pursuant to Regulation No. 58-12, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 17,764, served August 13, 2018, noted the automatic suspension of Certificate No. 1951, directed respondent to cease transporting passengers for hire under Certificate No. 1951, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-3(c) or face revocation of Certificate No. 1951.

Respondent paid the late fee on August 22, 2018, submitted a \$1.5 million replacement WMATC Endorsement on August 23, 2018, and the suspension was lifted on August 24, 2018. However, because the effective date of the new endorsement was August 22, 2018, instead of August 10, 2018, thereby creating a 12-day gap in required insurance coverage, Order No. 17,777 directed respondent to verify cessation of operations as of August 10, 2018, as mandated by Regulation No. 58-14. The order further directed respondent to corroborate its verification with copies of respondent's pertinent business records from June 1, 2018, to August 24, 2018, also as contemplated by Regulation No. 58-14.

II. RESPONSE TO ORDER NO. 17,777

In response to Order No. 17,777, respondent's president, Diariatou Risinger, submitted a statement asserting that respondent ceased all operations "from the period of June 1, 2018 - August 10, 2018." In addition, respondent produced copies of various business records, including: (a) copies of respondent's bank statements for the period beginning June 1, 2018, and ending August 31, 2018; (b) copies of respondent's credit card statement for the period beginning February 9, 2018, and ending August 18, 2018; and (c) a Square sales report for the period beginning June 1, 2018, and ending August 1, 2018.

Respondent's statement is deficient because it does not address whether respondent operated during the entire suspension period. Although respondent denies operating on August 10, 2018, respondent's statement does not address whether respondent operated from August 11, 2018 to August 21, 2018, when respondent was uninsured and suspended, or whether respondent operated from August 22, 2018, to August 23, 2018, when respondent was insured but still suspended. In addition, respondent's statement that it did not operate from June 1, 2018, to August 10, 2018, appears to be contradicted by the Square sales report, which reflects net sales totaling \$105.00 for the period of June 1, 2018, to August 1, 2018.

Furthermore, among the transactions listed in the bank account statements produced by respondent are three deposits made during the suspension period: \$900 on August 14, 2018; \$440 on August 22, 2018; and \$215.43 on August 23, 2018. The business records produced by respondent do not contain documentation sufficient to determine whether these transactions are payments for transportation within the Metropolitan District during the suspension period.

III. ORDER TO SHOW CAUSE

Regulation No. 58-14(b) states that upon the failure of a carrier to comply timely with the requirements of Regulation No. 58-14(a), "the Executive Director shall issue an order directing the carrier to show cause why a civil forfeiture should not be assessed against the carrier and/or why the carrier's operating authority should not be suspended or revoked."

Considering that respondent has not verified whether it ceased transporting passengers in the Metropolitan District from August 11, 2018, to August 23, 2018, and because the documents respondent has produced are not sufficient to verify cessation of operations, respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 1951 for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to verify cessation of operations and produce documents as directed.¹

THEREFORE, IT IS ORDERED:

1. That respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1951, for knowingly and

¹ See *In re Nationwide Patient Transp., L.L.C., t/a DMV Patient Transp.*, No. MP-17-015, Order No. 17,183 (Sept. 1, 2017) (show cause order issued where verification statement insufficient and no business records produced); *In re Daniel M Manna, t/a Daniel Manna Limo Serv.*, No. MP-14-027, Order No. 15,267 (Dec. 30, 2014) (show cause order issued where verification statement deficient, not all documents produced, and documents produced were non-supportive).

willfully violating Article XI, Section 6(a) of the Compact, Regulation No. 58, and the orders issued in this proceeding.

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.

FOR THE COMMISSION:



Jeffrey M. Lehmann
Executive Director