

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,423

IN THE MATTER OF:

Served October 10, 2019

HAPPY STAR TRANSPORTATION LLC, )  
Suspension and Investigation of )  
Revocation of Certificate No. 2169 )

Case No. MP-2019-096

This matter is before the Commission on respondent's response to Order No. 18,310, served August 6, 2019.

**I. BACKGROUND**

Certificate No. 2169 was automatically suspended on June 24, 2019, pursuant to Regulation No. 58-12, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 18,223, served June 24, 2019, noted the automatic suspension of Certificate No. 2169, directed respondent to cease transporting passengers for hire under Certificate No. 2169, 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. 2169.

Respondent paid the late fee and submitted an acceptable \$1.5 million primary replacement WMATC Insurance Endorsement on July 24, 2019, and the suspension was lifted on August 6, 2019. However, because the effective date of the new endorsement was July 23, 2019, instead of June 24, 2019, thereby creating a 29-day gap in insurance coverage, Order No. 18,310 directed respondent to verify cessation of operations as of June 24, 2019, 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 April 1, 2019, to August 6, 2019, and a written statement from Medical Transportation Management, Inc., (MTM), a principal client of record, also as contemplated by Regulation No. 58-14.

**II. RESPONSE TO ORDER NO. 18,310**

On August 23, 2019, respondent produced a statement of its owner, Tsion Mogus, a letter from MTM dated March 13, 2019, and copies of respondent's bank statements for the period beginning April 1, 2019, and ending July 31, 2019.

Respondent's response is lacking. First, respondent's statement is not signed as required by Commission Rule No. 4-05 or verified under oath as required by Commission Rule No. 4-06. Second, the statement does not clearly address whether respondent transported passengers for hire during the suspension period from June 24, 2019, until August 5, 2019. Third, respondent did not provide copies of

bank statements for the period beginning August 1, 2019, and ending August 6, 2019. Fourth, although respondent produced a March 2019 letter from MTM stating respondent had been terminated as a transportation provider for MTM by notice dated October 19, 2018, respondent was included on a list of transportation providers submitted by MTM to the Commission on June 28, 2019, yet respondent has not produced a contemporaneous statement from MTM addressing whether respondent operated for MTM during the suspension period from June 24, 2019, until August 5, 2019.

### 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."

Pursuant to Regulation No. 58-14(b), 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. 2169.

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. 2169, for knowingly and willfully violating 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