

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,429

IN THE MATTER OF:

Served October 16, 2019

Application of THE HAMPTON GROUP)
INTERNATIONAL LLC, Trading as THE)
HAMPTON TRANSIT AND LOGISTICS, for)
a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2019-121

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of 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.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Normally, such evidence would establish an applicant's fitness, but applicant's president, Jude Nyambi, has a history of controlling a company with regulatory violations.

I. HISTORY OF VIOLATIONS

Mr. Nyambi was president of Metro Health-Tech Services Inc., (MHTSI), which previously held WMATC Certificate No. 589 from January 30, 2001, until August 7, 2013, when it was revoked for MHTSI's failure to file a 2013 annual report under Regulation No. 60, pay \$550 in fees under Regulation No. 67, and maintain a WMATC Insurance

Endorsement on file with the Commission as required by Regulation No. 58.¹

The revocation order noted that MHTSI's 2013 annual report and \$550 in outstanding fees would remain due. The order further gave MHTSI 30 days to surrender Certificate No. 589 and file a notarized affidavit and supporting photographs verifying removal of WMATC markings from MHTSI's vehicles. MHTSI did not comply.

Prior to the events in 2013, Certificate No. 589 was suspended two other times for insurance violations.² In addition, MHTSI was assessed a \$1,000 civil forfeiture in 2003 for knowingly and willfully violating Commission requirements governing tariffs, vehicle markings, and vehicle leases³ and again assessed a \$1,000 civil forfeiture in 2008 for knowingly and willfully failing to present vehicles for inspection as directed by Commission order.⁴

II. LIKELIHOOD OF FUTURE COMPLIANCE

When an applicant or a person controlling an applicant has a record of violations, or a history of controlling companies with such a record, the Commission considers the following factors in assessing the likelihood of applicant's future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether the controlling party has made sincere efforts to correct past mistakes, and (5) whether the controlling party has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.⁵

MHTSI's failure to maintain compliance with Regulation Nos. 58, 60, and 67 warranted revocation of Certificate No. 589, and applicant's failure to respond to the revocation order by surrendering Certificate No. 589 and confirming removal of vehicle markings persisted for several years. On the other hand, concurrently with filing the instant application, MHTSI paid the \$550 in outstanding fees. MHTSI also filed a notarized statement explaining that the original Certificate No. 589 is no longer in its possession and submitted a notarized affidavit and supporting photographs evidencing removal of WMATC markings from MHTSI's vehicles. There is no evidence of post-suspension or post-revocation operations by MHTSI in the

¹ *In re Metro Health-Tech Servs. Inc.*, No. MP-13-060, Order No. 14,131 (Aug 7, 2013).

² *In re Metro Health-Tech Servs. Inc.*, No. MP-07-130, Order No. 10,574 (June 25, 2007); *In re Metro Health-Tech Servs. Inc.*, No. MP-08-059, Order No. 11,219 (Mar. 17, 2008).

³ *In re Metro Health-Tech Servs. Inc.*, No. MP-03-066, Order No. 7622 (Dec. 18, 2003).

⁴ *In re Metro Health-Tech Servs. Inc.*, No. MP-08-057, Order No. 11,677 (Nov. 12, 2008).

⁵ *In re Metro Transcare LLC*, No. AP-17-047, Order No. 17,193 at 3 (Sept. 8, 2017).

record. Furthermore, MHTSI previously paid the other civil forfeitures assessed against it.

The Commission has found other applicants fit under similar circumstances.⁶ Applicant shall serve a one year period of probation as a means of ensuring prospective compliance.⁷

III. CONCLUSION

Based on the evidence in this record, and considering the terms of probation and other conditions prescribed herein, the Commission finds that the proposed transportation is consistent with the public interest and that 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.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 589 shall be issued to The Hampton Group International LLC, trading as The Hampton Transit and Logistics, 207 W. Hampton Place, Capitol Heights, MD 20743-3521.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to file the following documents and present its revenue vehicle(s) for inspection within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of

⁶ See, e.g., *In re Galaxy Limo. Servs., LLC*, No. AP-15-099, Order No. 16,044 (Dec. 11, 2015) (timely cessation of affiliate operations, surrender of affiliate certificate, payment of outstanding affiliate fees, confirmation of no vehicle markings); *In re Henka Int'l, Inc., t/a Worldwide Tours & Travel*, No. AP-03-184, Order No. 8035 (May 27, 2004) (no evidence of post-suspension operations and satisfactory accounting for vehicles and vehicle markings).

⁷ See Order No. 16,044 (same); Order No. 8035 (same).

Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That applicant shall be placed on probation for a period of one year commencing with the reissuance of Certificate No. 589 in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

5. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

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



Jeffrey M. Lehmann
Executive Director