

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,430

IN THE MATTER OF:

Served October 16, 2019

Application of CLM LIMOUSINE)
SERVICE, INC., for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2019-139

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. 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 this applicant has a history of regulatory violations.

A. History of Violations

Applicant held WMATC Certificate of Authority No. 1527 from October 22, 2008, until April 2, 2018, when it was revoked for applicant's failure to maintain a WMATC Insurance Endorsement on file with the Commission as required by Regulation No. 58 and for applicant's failure to pay a \$100 late insurance fee.¹

The revocation order gave applicant 30 days to surrender Certificate No. 1527 and file a notarized affidavit and supporting

¹ *In re CLM Limo. Serv., Inc.*, No. MP-18-023, Order No. 17,527 (Apr. 2, 2018).

photograph(s) verifying removal of WMATC markings from applicant's vehicle(s). Applicant did not comply.

Prior to that, Certificate No. 1527 was suspended five other times for insurance infractions and once for failing to pay a late fee under Regulation No. 67-03 resulting from an untimely annual report and annual fee.²

B. 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.³

Applicant has repeatedly failed to maintain proof of insurance on file with the Commission in compliance with Regulation No. 58. Applicant's most recent such failure, along with failure to pay the late insurance fee, warranted revocation of Certificate No. 1527. Furthermore, applicant's failure to respond to the revocation order by surrendering Certificate No. 1527 and confirming removal of vehicle markings persisted for more than a year. On the other hand, three months before filing the instant application, applicant paid the outstanding insurance late fee, surrendered Certificate No. 1527, and filed notarized photographs confirming removal of WMATC vehicle markings. There is no evidence of post-suspension operations in the record.

The Commission has found other applicants fit under similar circumstances.⁴ Applicant shall serve a one year period of probation as a means of ensuring prospective compliance.⁵

² *In re CLM Limo. Serv., Inc.*, No. MP-09-035, Order No. 11,867 (Mar. 3, 2009); *In re CLM Limo. Serv., Inc.*, No. MP-11-019, Order No. 12,746 (Mar. 1, 2011); *In re CLM Limo. Serv., Inc.*, No. MP-12-049, Order No. 13,255 (May 8, 2012) (suspended for failure to pay late fee under Regulation No. 67-03); *In re CLM Limo. Serv., Inc.*, No. MP-14-140, Order No. 15,047 (Sept. 10, 2014); *In re CLM Limo. Serv., Inc.*, No. MP-15-036, Order No. 15,415 (Mar. 2, 2015); *In re CLM Limo. Serv., Inc.*, No. MP-18-004, Order No. 17,402 (Jan. 10, 2018).

³ *In re Angel Loving Care 1 Inc.*, No. AP-18-053, Order No. 17,686 at 3 (June 20, 2018).

⁴ 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).

C. 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. 1527 shall be issued to CLM Limousine Service, Inc., 301 King Farm Boulevard, #L, Rockville, MD 20850-6654.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate No. 1527 has been reissued 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 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. 1527 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 See Order No. 16,044 (same); Order No. 8035 (same).

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