

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 18,435

IN THE MATTER OF:

Served October 16, 2019

HRH TRANSPORTATION INC, Suspension)
and Investigation of Revocation of)
Certificate No. 3041)

Case No. MP-2019-093

Application of HRH TRANSPORTATION)
INC for Voluntary Termination of)
Certificate No. 3041)

Case No. AP-2019-135

The above-captioned cases are being consolidated for the purpose of determining whether Certificate of Authority No. 3041 shall be terminated, and if so, whether by revocation or voluntary termination.

I. BACKGROUND

A. Case No. MP-2019-093

Certificate No. 3041 was automatically suspended on June 14, 2019, when the \$1.5 million primary WMATC Insurance Endorsement on file for HRH Transportation Inc (respondent), terminated without replacement. Order No. 18,214, served June 14, 2019, noted the automatic suspension of Certificate No. 3041 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 3041, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 3041.

Respondent paid the late fee and submitted \$1 million primary and \$500,000 excess WMATC Insurance Endorsements and the suspension was lifted in Order No. 18,267, served July 11, 2019. However, because the effective date of the new endorsements is July 8, 2019, instead of June 14, 2019, leaving a 24-day gap in required insurance coverage, the order gave respondent 30 days to verify cessation of operations as of June 14, 2019, in accordance with Regulation No. 58-14(a). The statement was to be corroborated by copies of respondent's pertinent records for the period April 1, 2019, to July 11, 2019, and a statement from Medical Transportation Management, Inc., one of respondent's principal clients of record, also as contemplated by Regulation No. 58-14(a). Respondent did not respond.

Accordingly, Order No. 18,334, served August 22, 2019, gave respondent 30 days to show cause why the Commission should not assess a civil forfeiture against respondent and/or suspend or revoke Certificate No. 3041. Respondent has failed to respond to Order No. 18,334.

B. Case No. AP-2019-135

While the show cause order was pending in Case No. MP-2019-093, respondent filed an application on September 3, 2019, seeking voluntary termination of Certificate No. 3041. The application was accompanied by the original Certificate No. 3041, issued June 28, 2017.

II. DENIAL OF VOLUNTARY TERMINATION

The Commission may terminate a certificate of authority under Title II of the Compact, Article XI, Section 10(b), upon application by the holder. The Commission will not approve such an application, however, if the carrier is not in good standing.¹

Because HRH Transportation Inc has not produced a statement verifying cessation of operations or any of the business records or the client statement required by Order No. 18,267 in Case No. MP-2019-093 and has offered no explanation for failing to do so, we find that applicant is not in good standing and accordingly shall deny the application for voluntary termination.²

III. ASSESSMENT OF FORFEITURE AND REVOCATION OF AUTHORITY

A person who knowingly and willfully violates a provision of the Compact, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.³

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.⁴

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.⁵ 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.⁶

Because respondent has failed to produce a statement verifying cessation of operations during the suspension period, any business

¹ *In re Superior Transit Ltd., t/a Youngtimers Transit & Kool Kids Transp.*, No. AP-12-240, Order No. 13,608 (Nov. 29, 2012).

² *See In re Nationwide Patient Transp., L.L.C., t/a DMV Patient Transp.*, No. AP-07-173, Order No. 17,338 at 3 (Dec. 5, 2017) (declaring carrier not in good standing for failing to produce business records and denying voluntary termination).

³ Compact, tit. II, art. XIII, § 6(f).

⁴ Compact, tit. II, art. XI, § 10(c).

⁵ Order No. 17,338 at 3.

⁶ *Id.*

records relevant to the Commission's investigation, or a client statement as directed by Order No. 18,267 in Case No. MP-2019-093, and has offered no explanation for these failures, we find that respondent has failed to show cause why the Commission should not assess a civil forfeiture of \$250⁷ and revoke Certificate No. 3041.⁸

THEREFORE, IT IS ORDERED:

1. That Case Nos. MP-2019-093 and AP-2019-135 are hereby consolidated pursuant to Commission Rule No. 20-02.

2. That the voluntary termination application in Case No. AP-2019-135 is hereby denied.

3. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against respondent in the amount of \$250 for knowingly and willfully violating Regulation No. 58-14(a) and Order No. 18,267.

4. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 3041 is hereby revoked for respondent's willful failure to comply with Regulation No. 58-14(a) and Order No. 18,267.

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

- a. pay to the Commission by check or money order the sum of two hundred fifty dollars (\$250);
- b. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61; and
- c. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement.

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



Jeffrey M. Lehmann
Executive Director

⁷ See, e.g., *In re CAT Transp. Serv., LLC*, No. MP-18-081, Order No. 17,830 (Sept. 26, 2018) (assessing \$250 civil forfeiture for failing to produce statement verifying cessation of operations and business records).

⁸ See *id.* (revoking authority for failing to produce statement verifying cessation of operations and business records).