

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,342

IN THE MATTER OF:

Served April 19, 2021

ROBERTS TRANSPORTATION LLC, )  
Suspension and Investigation of )  
Revocation of Certificate No. 3261 )

Case No. MP-2020-006

ROBERTS TRANSPORTATION LLC, )  
Suspension and Investigation of )  
Revocation of Certificate No. 3261 )

Case No. MP-2021-004

This matter is before the Commission on respondent's failure to respond to Order No. 18,979, served August 31, 2020, in Case No. MP-2020-006, and respondent's failure to comply with Order No. 19,201, served January 6, 2021, in Case No. MP-2021-004.

Order No. 18,979 directed respondent to show cause why the Commission should not assess a civil forfeiture against respondent, and/or revoke Certificate No. 3261 for respondent's violation of the Compact, the Commission's insurance regulation, Regulation No. 58, and the orders issued in Case No. MP-2020-006.

Order No. 19,201 noted the suspension of Certificate No. 3261 for respondent's renewed violation of Regulation No. 58 and gave respondent until February 5, 2021, to bring its operations into compliance or face revocation of Certificate No. 3261.

These proceedings are being consolidated under Rule No. 20-02 because they share common issues of fact and law.

**I. BACKGROUND**

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 3261 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

**A. Case No. MP-2020-006**

Certificate No. 3261 was rendered invalid on January 3, 2020, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 18,604, served January 3, 2020, noted the automatic suspension of Certificate No. 3261 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 3261, 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. 3261.

Respondent paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement and the suspension was lifted in Order No. 18,625, served January 23, 2020. However, respondent's replacement Endorsement did not take effect until January 7, 2020, instead of January 3, 2020, leaving a 4-day gap in required insurance coverage. Order No. 18,625 accordingly directed respondent to submit a statement verifying cessation of operations as of January 3, 2020, as required by Regulation No. 58-14(a). The order also directed respondent to produce copies of its business records pertaining to any and all operations under WMATC authority from October 1, 2019, to January 23, 2020. Respondent produced neither a statement nor any business records.

Regulation No. 58-14(b) states that upon 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), Order No. 18,979 gave respondent until October 21, 2020,<sup>3</sup> to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 3261. Respondent has yet to respond.

**B. Case No. MP-2021-004**

While Case No. MP-2020-006 was pending, the WMATC Endorsement on file for respondent terminated without replacement on January 6, 2021. The Commission responded by issuing Order No. 19,201 on January 6, 2021. The order noted the automatic suspension of Certificate No. 3261 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 3261, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due

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<sup>3</sup> The initial 30-day response deadline was extended to October 21, 2020. See *In re Comm'n Operations in Exigent Circumstances Caused by the COVID-19 Pandemic*, Gen. Order No. 26 (Sept. 21, 2020).

under Regulation No. 67-03(c) or face revocation of Certificate No. 3261. Respondent has yet to respond.

## **II. 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.<sup>4</sup>

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.<sup>5</sup>

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.<sup>6</sup> 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.<sup>7</sup>

Because respondent has (1) failed to verify whether it ceased operating while suspended and uninsured from January 3, 2020, through January 6, 2020, and while insured but still suspended from January 7, 2020, through January 22, 2020; (2) failed to produce all relevant business records as required by Regulation No. 58-14(a) and directed by Order No. 18,625; and (3) 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 \$250<sup>8</sup> and revoke Certificate No. 3261.<sup>9</sup>

In addition, we shall revoke Certificate No. 3261 for respondent's willful failure to comply with Regulation No. 58 and Order No. 19,201.

In accordance with Commission Regulation No. 67, the unpaid \$100 late insurance fee in Case No. MP-2021-004 shall remain due.

THEREFORE, IT IS ORDERED:

1. That Case Nos. MP-2020-006 and MP-2021-004 are hereby consolidated under Rule No. 20-02.

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<sup>4</sup> Compact, tit. II, art. XIII, § 6(f).

<sup>5</sup> Compact, tit. II, art. XI, § 10(c).

<sup>6</sup> *In re CAT Transp. Serv., LLC*, No. MP-18-081, Order No. 17,830 (Sept. 26, 2018).

<sup>7</sup> *Id.*

<sup>8</sup> See *id.* (assessing \$250 for failing to produce verification and documents).

<sup>9</sup> See *id.* (revoking authority for failing to produce verification and documents).

2. 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. 18,625.

3. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 3261 is hereby revoked for respondent's willful failure to comply with Regulation No. 58 and Order Nos. 18,625 and 19,201.

4. 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;
- c. file a notarized affidavit and supporting photograph(s) with the Commission verifying compliance with the preceding requirement; and
- d. surrender Certificate No. 3261 to the Commission.

5. That respondent's \$100 late insurance fee shall remain due in accordance with Regulation No. 67.

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



Jeffrey M. Lehmann  
Executive Director