

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,430

IN THE MATTER OF:

Served July 12, 2021

CIERGE LLC, Trading as CIERGE,)
Suspension and Investigation of)
Revocation of Certificate No. 3166)

Case No. MP-2019-116

This matter is before the Commission on respondent's response to Order No. 18,461, served October 28, 2019, which 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. 3166.

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."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 3166 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 of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 3166 was automatically suspended on July 22, 2019, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent expired without replacement. Order No. 18,279, served July 22, 2019, noted the automatic suspension of Certificate No. 3166 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 3166, and gave respondent 30 days to replace the terminated endorsement and pay a \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 3166.

Respondent filed the necessary insurance endorsement but failed to pay the late fee, and Certificate No. 3166 was revoked in Order No. 18,338 on August 27, 2019, pursuant to Regulation No. 58-15(a). Respondent thereafter paid the late fee and filed a timely application for reconsideration of Order No. 18,338, and Certificate of Authority

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

No. 3166 was reinstated in Order No. 18,378, served September 23, 2019, in accordance with Regulation No. 58-15(b).

However, respondent's replacement endorsement did not take effect until August 6, 2019, instead of July 22, 2019, leaving a 15-day gap in required insurance coverage. Order No. 18,378 accordingly directed respondent to submit a statement within 30 days verifying cessation of operations as of July 22, 2019, as required by Regulation No. 58-14(a). The order also directed respondent to produce copies of its business records from May 1, 2019, through September 23, 2019. Respondent did not respond.

Considering that respondent had not denied operating its vehicle(s) on and after the suspension date, and considering that respondent had failed to produce the required documents, Order No. 18,461 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. 3166, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

II. RESPONSE AND FINDINGS

On November 1, 2019, respondent produced a statement of its president, Ralph Purnell, and copies of various business records, including: (a) copies of respondent's client agreements for the period beginning May 10, 2019, and ending September 28, 2019; (b) copies of respondent's bank statements for the period beginning May 1, 2019, and ending September 30, 2019; and (c) a copy of a U.S. Post Office receipt dated October 1, 2019.

Mr. Purnell explains in the statement that respondent did not provide any trips from July 21, 2019, to September 28, 2019, and that he promptly submitted the documents requested in Order No. 18,378. This statement is supported by the evidence. First, the submitted client agreements do not include trips during the suspension or revocation periods. Second, respondent's bank statements show few deposits during the suspension and revocation periods, in contrast to significant activity during the preceding month. Third, the U.S. Post Office receipt indicates that respondent mailed a large envelope to an address within zip code 20910 in Silver Spring, Maryland, where the Commission's office is located, with an expected delivery date of October 3, 2019.

On this record, we find that respondent has shown cause why the Commission should not assess a civil forfeiture or suspend or revoke Certificate No. 3166.

Accordingly, this investigation is hereby terminated.

IT IS SO ORDERED.

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

A handwritten signature in blue ink that reads "Jeffrey M. Lehmann". The signature is written in a cursive style with a large, stylized "J" and "L".

Jeffrey M. Lehmann
Executive Director