

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,435

IN THE MATTER OF:

Served July 12, 2021

ESKINDER LIMO INC., Suspension and )  
Investigation of Revocation of )  
Certificate No. 2897 )

Case No. MP-2019-188

This matter is before the Commission on respondent's response to Order No. 18,523, served November 27, 2019.

**I. BACKGROUND**

Certificate No. 2897 was automatically suspended on November 15, 2019, pursuant to Regulation No. 58-12, when the \$1 million primary and \$4 million excess WMATC Insurance Endorsements on file for respondent terminated without replacement. Order No. 18,505, served November 15, 2019, noted the automatic suspension of Certificate No. 2897, directed respondent to cease transporting passengers for hire under Certificate No. 2897, and gave respondent 30 days to replace the terminated endorsements and pay the \$100 late fee due under Regulation No. 67-3(c) or face revocation of Certificate No. 2897.

Respondent thereafter paid the late fee and submitted \$1 million primary and \$4 million excess WMATC Insurance Endorsements, and the suspension was lifted in Order No. 18,523. However, because the effective date of the new endorsements was November 20, 2019, instead of November 15, 2019, leaving a 5-day gap in required insurance coverage, the order directed respondent to verify cessation of operations as of November 15, 2019, as mandated by Regulation No. 58-14. The order further directed respondent to corroborate its verification with copies of respondent's pertinent business records from September 1, 2019, to November 27, 2019, also as contemplated by Regulation No. 58-14.

**II. RESPONSE TO ORDER NO. 18,523**

On December 3, 2019, respondent submitted \$1 million primary and \$4 million excess WMATC Insurance Endorsements with an effective date of November 15, 2019, and expiration date of November 20, 2019. This had the effect of closing the 5-day gap in insurance coverage. However, closing an insurance gap does not relieve a carrier of the requirements of Regulation No. 58-14(a).<sup>1</sup>

On December 12, 2019, respondent produced copies of respondent's bank statements for the period beginning August 7, 2019, and ending November 6, 2019; copies of respondent's trip logs for the period

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<sup>1</sup> *In re J T E Inc.*, No. MP-16-047, Order No. 16,621 (Oct. 17, 2016).

beginning September 3, 2019, and ending November 29, 2019; a passenger manifest from Georgetown Trolley Tours for the period beginning November 15, 2019, and ending November 24, 2019; copies of pay stubs for the period beginning September 13, 2019, and ending November 15, 2019; and a sales summary for the period beginning September 1, 2019, and ending December 2, 2019.

Respondent's response is lacking. First, respondent failed to provide a statement addressing whether respondent transported passengers for hire during the suspension period from November 15, 2019, until November 26, 2019. Second, respondent did not provide copies of bank statements for the period beginning November 7, 2019, and ending November 27, 2019.

### **III. INTERIM DEVELOPMENTS**

While this proceeding was pending, on July 8, 2020, respondent filed an application seeking voluntary termination of Certificate No. 2897. The Commission approved the application and Certificate No. 2897 was terminated on August 5, 2020.<sup>2</sup>

### **IV. ORDER TO SHOW CAUSE**

Regulation No. 58-14(b) states that upon the 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."

The termination of Certificate No. 2897 dispenses with the issue of whether respondent's certificate should be suspended or revoked, but it does not dispense with the issue of whether the Commission should assess a civil forfeiture in this proceeding.

Considering that respondent has not verified whether it ceased transporting passengers in the Metropolitan District from November 15, 2019, to November 26, 2019, and because the documents respondent has produced are not sufficient to verify cessation of operations, respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to verify cessation of operations and produce documents as directed.<sup>3</sup>

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<sup>2</sup> *In re Eskinder Limo Inc.*, No. AP-20-120, Order No. 18,927 (Aug. 5, 2020).

<sup>3</sup> See *In re Nationwide Patient Transp., L.L.C., t/a DMV Patient Transp.*, No. MP-17-015, Order No. 17,183 (Sept. 1, 2017) (show cause order issued where verification statement insufficient and no business records produced); *In re Daniel M Manna, t/a Daniel Manna Limo Serv.*, No. MP-14-027, Order No. 15,267 (Dec. 30, 2014) (show cause order issued where verification statement deficient, not all documents produced, and documents produced were non-supportive).

THEREFORE, IT IS ORDERED:

1. That respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

2. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

FOR THE COMMISSION:



Jeffrey M. Lehmann  
Executive Director