

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,460

IN THE MATTER OF:

Served July 28, 2021

EASY TRANSPORTATION, LLC, )  
Suspension and Investigation of )  
Revocation of Certificate No. 1951 )

Case No. MP-2018-111

This matter is before the Commission on respondent's failure to respond to Order No. 18,382, served September 23, 2019.

**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. 1951 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. 1951 was automatically suspended on August 10, 2018, pursuant to Regulation No. 58-12, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 17,764, served August 13, 2018, noted the automatic suspension of Certificate No. 1951, directed respondent to cease transporting passengers for hire under Certificate No. 1951, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-3(c) or face revocation of Certificate No. 1951.

Respondent paid the late fee on August 22, 2018, and submitted a \$1.5 million replacement WMATC Endorsement on August 23, 2018, and the suspension was lifted on August 24, 2018, in Order No. 17,777. However, because the effective date of the new endorsement was August 22, 2018, instead of August 10, 2018, leaving a 12-day gap in required insurance coverage, the order gave respondent 30 days in accordance with Regulation No. 58-14(a) to: (1) verify cessation of operations as of August 10,

---

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

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

2018; and (2) produce copies of respondent's pertinent business records from June 1, 2018, to August 24, 2018.

In response to Order No. 17,777, respondent's president, Diariatou Risinger, submitted a statement on September 6, 2018, asserting that respondent ceased all operations "from the period of June 1, 2018 - August 10, 2018." In addition, respondent produced copies of various business records, including: (a) copies of respondent's bank statements for the period beginning June 1, 2018, and ending August 31, 2018; (b) copies of respondent's credit card statement for the period beginning February 9, 2018, and ending August 18, 2018; and (c) a Square sales report for the period beginning June 1, 2018, and ending August 1, 2018.

## **II. ORDER TO SHOW CAUSE**

In Order No. 18,382, we found respondent's response deficient because it did not address whether respondent operated during the entire suspension period. Specifically, respondent's statement did not address whether respondent operated from August 11, 2018 through August 21, 2018, when respondent was uninsured and suspended, or whether respondent operated from August 22, 2018, through August 23, 2018, when respondent was insured but still suspended. In addition, respondent's statement that it did not operate from June 1, 2018, to August 10, 2018, appeared to be contradicted by the Square sales report, which reflects net sales totaling \$105.00 for the period of June 1, 2018, to August 1, 2018.

Furthermore, among the transactions listed in the bank account statements produced by respondent were three deposits made during the suspension period: \$900 on August 14, 2018; \$440 on August 22, 2018; and \$215.43 on August 23, 2018. The business records produced by respondent did not contain documentation sufficient to determine whether these transactions were payments for transportation within the Metropolitan District during the suspension period.

In accordance with Regulation No. 58-14(b), Order No. 18,382 directed respondent to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1951 for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

Respondent has yet to respond.

## **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.<sup>3</sup>

---

<sup>3</sup> Compact, tit. II, art. XIII, § 6(f).

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>4</sup>

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

Because respondent has (1) failed to verify whether it ceased operating while suspended and uninsured from August 11, 2018, through August 21, 2018, and while suspended from August 21, 2018, through August 22, 2018; (2) failed to produce all relevant business records as required by Regulation No. 54-14(a) and directed by Order No. 17,777; 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 and revoke Certificate No. 1951.<sup>7</sup>

THEREFORE, IT IS ORDERED:

1. 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. 17,777.

2. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 1951 is hereby revoked for respondent's willful failure to comply with Regulation No. 58-14(a) and Order No. 17,777.

3. 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 with the Commission verifying compliance with the preceding requirement; and

---

<sup>4</sup> Compact, tit. II, art. XI, § 10(c).

<sup>5</sup> *In re Amanuel Tesfaye*, No. MP-18-003, Order No. 17,726 (July 16, 2018).

<sup>6</sup> *Id.*

<sup>7</sup> See *id.* (assessing \$250 civil forfeiture and revoking authority for failing to produce verification and documents); *Daniel M Manna, t/a Daniel Manna Limo Serv.*, No. MP-14-027, Order No. 15,590 (May 15, 2015) (same, where verification did not account for entire suspension period).

d. surrender Certificate No. 1951 to the Commission.

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



Jeffrey M. Lehmann  
Executive Director