

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,638

IN THE MATTER OF:

Served December 8, 2021

JP-LOGAN.COM, JOSHUA P. LOGAN'S)
VISIONS LLC, Trading as A1)
EXECUTIVE LIMOUSINES, Suspension)
and Investigation of Revocation of)
Certificate No. 3242)

Case No. MP-2019-195

This matter is before the Commission on the response of respondent to Order No. 19,458, served July 28, 2021.

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. 3242 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. 3242 was automatically suspended on November 29, 2019, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 18,525, served November 29, 2019, noted the automatic suspension of Certificate No. 3242 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 3242, 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. 3242.

Respondent thereafter paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 18,578, served December 19, 2019. However, because the effective date of the new endorsement was December 12, 2019, instead of November 29, 2019, leaving a 13-day gap in required insurance coverage, the order gave respondent 30 days in accordance with Regulation

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

No. 58-14(a) to: (1) verify cessation of operations from November 29, 2019, to December 19, 2019; and (2) produce copies of respondent's pertinent business records from September 1, 2019, to December 19, 2019.

On January 30, 2020, respondent produced a statement of its owner, Joshua Logan, asserting that respondent "has not been doing business during the September - December 2019 period." In support of this statement, respondent produced a copy of a certificate of liability insurance, copies of its correspondence with Commission staff, and copies of the owner's personal bank statements for the period beginning September 1, 2019, and ending December 31, 2019.

In Order No. 19,458, we found respondent's response deficient because Mr. Logan's statement that respondent has not been doing business between September 2019 and December 2019 was not supported by respondent's bank statements which showed deposits between November 29 and December 19, 2019, including a \$325 deposit on November 29, a \$550 deposit on December 1, a \$4,899.76 deposit on December 13, a \$365 deposit from Paypal on December 16, and a \$700 deposit on December 16. The records produced by respondent did not contain information sufficient to determine whether these transactions were payments for transportation services within the Metropolitan District. In addition, respondent paid the late fee in this proceeding with a MasterCard, but respondent did not produce any credit card statements reflecting that transaction.

Accordingly, Order No. 19,458 directed respondent to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 3242 for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

II. RESPONSE TO ORDER NO. 19,458 AND FINDINGS

On August 19, 2021, respondent submitted a statement of its owner asserting that Mr. Logan has not been able to get the business "off the ground" and explaining that respondent does not have a business bank account. Respondent also accounted for the specific deposit transactions discussed in Order No. 19,548, which are unrelated to the furtherance of a transportation business.

In addition, respondent submitted a transaction list for a credit card account ending in 9501 for the period beginning November 30, 2019, and ending December 16, 2019, that includes the late fee transaction discussed in Order No. 19,548 and a commercial vehicle insurance payment. Respondent's belated production of this document thus reveals an account used to conduct respondent's business, but the credit card transaction list covering 17 days falls short of compliance with the clear directive in Order No. 18,578 to produce records for "the period beginning September 1, 2019, and ending on [December 19, 2019], including, but not limited to any and all . . . bank and credit card statements." Consequently, respondent has not produced all relevant records as required by Regulation No. 58-14(a).

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 all corroborating business records as required by Regulation No. 58-14(a), and as directed by Order No. 18,578, and because respondent has offered no explanation for this noncompliance, we find that respondent has failed to show cause why the Commission should not assess a civil forfeiture of \$250⁷ and revoke Certificate No. 3242.⁸

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. 18,578.

2. That pursuant to Article XI, Section 10(c), of the Compact, Certificate of Authority No. 3242 is hereby revoked for respondent's willful failure to comply with Regulation No. 58-14(a) and Order No. 18,578.

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);

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

⁴ Compact, tit. II, art. XI, § 10(c).

⁵ *In re Transit Pro Transp. Servs., LLC*, No. MP-20-093, Order No. 19,546 (July 28, 2021).

⁶ *Id.*

⁷ See *id.* (assessing \$250 for failing to produce documents).

⁸ See *id.* (revoking authority for failing to produce documents corroborating verification of suspension compliance).

- 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
- d. surrender Certificate No. 3242 to the Commission.

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



Jeffrey M. Lehmann
Executive Director