

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,681

IN THE MATTER OF:

Served January 24, 2022

MARIET & B TRANSPORTATION, LLC,)
Suspension and Investigation of)
Revocation of Certificate No. 1608)

Case No. MP-2020-065

This matter is before the Commission on respondent's response to Order No. 18,810, served May 1, 2020.

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. 1608 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. 1608 was rendered invalid on April 20, 2020, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 18,793, served April 20, 2020, noted the automatic suspension of Certificate No. 1608 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1608, 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. 1608.

Respondent thereafter paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 18,810. However, because the effective date of the new endorsement was May 1, 2020, instead of April 20, 2020, leaving an 11-day gap in required insurance coverage, the order gave respondent 30 days to verify cessation of operations from April 20, 2020, to May 1, 2020, in accordance with Regulation No. 58-14(a). The order further directed respondent to corroborate its verification with copies of

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

respondent's pertinent business records from February 1, 2020, to May 1, 2020, and written statements from Medical Transportation Management, Inc., (MTM), Access2Care, LLC, (A2C), and Southeastrans, Inc., (SE), three of respondent's principal clients of record.

II. RESPONSE TO ORDER NO. 18,810

On May 21, 2020, respondent submitted a statement of its president, Saidou Ouedraogo, asserting that "I have not been operating any of my vehicles since April 20th." The statement is accompanied by letters from MTM, A2C, and SE.

Respondent's response is lacking. First, respondent's statement is not signed as required by Commission Rule No. 4-05 or verified under oath as required by Commission Rule No. 4-06. Second, Certificate No. 1608 is held by respondent, Mariet & B Transportation, LLC, and the record shows that respondent employs drivers other than Mr. Ouedraogo, but the statement does not clearly address whether respondent, as opposed to Mr. Ouedraogo, transported passengers for hire during the suspension period from April 20, 2020, until May 1, 2020. Third, the statement is unsupported by any of respondent's business records, even though such records exist. For example, the SE letter details several trips provided by respondent in March 2020, but respondent has not produced any calendars, itineraries, or invoices for those trips. In addition, respondent paid the \$100 late insurance fee in this proceeding by check drawn on respondent's bank account, but respondent has yet to produce any bank statements.

III. 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."

Pursuant to Regulation No. 58-14(b), respondent shall have 30 days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1608, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

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, and/or suspend or revoke Certificate No. 1608, 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:

A handwritten signature in blue ink, appearing to read "Jeffrey M. Lehmann". The signature is fluid and cursive, with the first name "Jeffrey" being the most prominent.

Jeffrey M. Lehmann
Executive Director