

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,722

IN THE MATTER OF:

Served March 22, 2022

PROGRESSIVE TRANSPORTATION SERVICES)
LLC, Suspension and Investigation)
of Revocation of Certificate)
No. 2062)

Case No. MP-2021-003

This matter is before the Commission on respondent's response to Order No. 19,287, served March 12, 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

Certificate No. 2062 was rendered invalid on January 4, 2021, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 19,198, served January 4, 2021, noted the automatic suspension of Certificate No. 2062 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 2062, 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. 2062.

Respondent thereafter paid the late fee and submitted a \$1.5 million primary WMATC Insurance Endorsement, and the suspension was lifted in Order No. 19,241, served February 3, 2021. However, because the effective date of the new endorsement is February 3, 2021, instead of January 4, 2021, leaving a 30-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 from January 4, 2021, to February 3, 2021; and (2) produce copies of respondent's pertinent business records from October 1, 2020, to February 3, 2021.

Respondent failed to respond. Therefore, in accordance with Regulation No. 58-14(b), Order No. 19,287 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. 2062, for

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

knowingly and willfully violating Regulation No. 58 and the orders issued in this proceeding.

While this proceeding was pending, respondent allowed its WMATC Insurance Endorsement to terminate without replacement once again, and Certificate No. 2062 was revoked in a separate proceeding in accordance with Regulation No. 58-15(a) when respondent did not replace it or pay a \$100 insurance late fee within 30 days.³

II. RESPONSE TO ORDER NO. 19,287 AND FINDINGS

On March 25, 2021, respondent produced a statement of its owner, Harry Laggah, and copies of respondent's bank statements for the period beginning August 1, 2020, and ending February 28, 2021.

According to the statement, respondent did not transport passengers for hire or generate any revenue during the period when Certificate No. 2062 was suspended. The statement is corroborated by respondent's bank statements, which show activity consistent with a halt in operations.

On this record, we find that respondent has demonstrated cessation of operations during the suspension period from January 4, 2021, to February 3, 2021. But we further find that respondent's failure to timely respond to Order No. 19,241 warrants assessment of a civil forfeiture in the amount of \$250.⁴ Respondent's owner explains the late response was due to two family deaths and his own 3-week illness, but the appropriate course of action would have been to delegate the task of responding or to request an extension of the deadline pursuant to Rule No. 7-05, rather than simply ignoring the Commission's directive.

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. 19,241.

2. That respondent is hereby directed to pay to the Commission within 30 days of the date of this order, by check or money order, the sum of two hundred fifty dollars (\$250).

³ *In re Progressive Transp. Servs. LLC*, No. MP-22-002, Order No. 19,692 (Feb. 9, 2022).

⁴ See *In re Buma Med. Transp. LLC*, No. MP-18-014, Order No. 18,434 at 2 (Oct. 16, 2019) (assessing \$250 civil forfeiture for failing to produce statement and documents in timely fashion).

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD AND LOTT:

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

Jeffrey M. Lehmann
Executive Director