

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,723

IN THE MATTER OF:

Served March 22, 2022

SOLID ROCK TRANSPORTATION, INC.,)
Suspension and Investigation of)
Revocation of Certificate No. 1500)

Case No. MP-2019-191

This matter is before the Commission on respondent's failure to respond to Order No. 19,593, served November 2, 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. 1500 was rendered invalid on November 19, 2019, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 18,513, served November 19, 2019, noted the automatic suspension of Certificate No. 1500, directed respondent to cease transporting passengers for hire under Certificate No. 1500, 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. 1500. Respondent filed a replacement \$1 million primary WMATC Endorsement on December 10, 2019, and paid the \$100 late fee on December 11, 2019, but failed to file a \$500,000 excess WMATC Endorsement and Certificate No. 1500 was revoked in Order No. 18,590, served December 30, 2019.

Respondent subsequently submitted the necessary excess WMATC Insurance Endorsement and filed a timely application for reconsideration of Order No. 18,590, and Certificate No. 1500 was reinstated on February 4, 2020, in Order No. 18,653, in accordance with Regulation No. 58-15(b).

However, because the effective date of respondent's replacement \$1 million primary WMATC Endorsement is December 6, 2019, and the effective date of respondent's \$500,000 excess WMATC Endorsement is January 13, 2020, instead of November 19, 2019, leaving a 55-day gap in required insurance coverage, the order gave respondent 30 days to verify cessation of operations from November 19, 2019, to February 4, 2020, in accordance with Regulation No. 58-14(a). The statement was to be

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

corroborated by copies of respondent's pertinent business records from September 1, 2019, to February 4, 2020, and a statement from Medical Transportation Management, Inc., (MTM), one of respondent's principal clients.

In response to Order No. 18,653, respondent submitted a statement from its owner, Oladapo Adeyale, a statement from MTM, and copies of respondent's bank statements for the period beginning November 1, 2019, and ending January 31, 2020. In his statement dated February 7, 2020, and filed February 21, 2020, Mr. Adeyale stated that respondent "ceased ALL operations" on November 19, 2019, and planned to resume operations with MTM on February 7, 2020. However, MTM's statement submitted March 16, 2020, contradicts respondent and asserts respondent completed seven trips on November 19, 2019, and one trip on December 10, 2019. Respondent's bank account statements reflect payments from MTM during this timeframe.

In Order No. 19,593, we found that the record supports a finding that respondent operated on November 19, 2019, while Certificate No. 1500 was suspended and respondent's vehicles were uninsured, and on December 10, 2019, while Certificate No. 1500 was suspended and respondent's vehicles were insufficiently insured. The order accordingly directed respondent 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. Respondent has yet to respond.

While this proceeding was pending, respondent allowed its WMATC Endorsement(s) to terminate without replacement once again, and Certificate No. 1500 was revoked in a separate proceeding in accordance with Regulation No. 58-15(a) when respondent failed to file the necessary insurance endorsement(s) and pay a late fee.³

II. ASSESSMENT OF FORFEITURE

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.⁴

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.⁵

³ *In re Solid Rock Transp., Inc.*, No. MP-20-195, Order No. 19,169 (Dec. 4, 2020).

⁴ Compact, tit. II, art. XIII, § 6(f).

⁵ Compact, tit. II, art. XI, § 10(c).

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.⁶ 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.⁷

In setting the daily forfeiture amount, the Commission distinguishes between unlawful operations conducted with the required insurance coverage in place, on the one hand, from unlawful operations conducted without the required insurance coverage in place, on the other - assessing a larger amount for unlawful operations conducted without the required insurance coverage.⁸

For operating unlawfully but with the requisite WMATC Endorsement(s) on file, the Commission normally assesses a civil forfeiture of \$250 for each day of unauthorized operations.⁹ The Commission assesses \$500 per day when a carrier operates without the requisite WMATC Endorsement(s) on file.¹⁰

Accordingly, we shall assess a civil forfeiture against respondent of \$500 for operating on November 19, 2019, while Certificate No. 1500 was suspended and respondent's vehicles were uninsured, and \$500 for operating on December 10, 2019, while Certificate No. 1500 was suspended and respondent's vehicles were insufficiently insured, for a combined forfeiture of \$1,000. Normally, we would also revoke Certificate No. 1500,¹¹ but respondent's certificate already stands revoked.

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 \$1,000 for knowingly and willfully violating Article XI, Section 6(a), of the Compact and Regulation No. 58-12.

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 one thousand dollars (\$1,000).

⁶ *In re Med-Trans-Inc.*, No. MP-20-113, Order No. 19,429 (July 12, 2021).

⁷ *Id.*

⁸ *In re Burlington Brew Tours, LLC*, No. MP-16-136, Order No. 16,854 at 3 (Mar. 1, 2017).

⁹ *Id.* at 3.

¹⁰ *Id.* at 3; *In re Ceepco Contracting LLC*, No. MP-17-136, Order No. 17,616 (May 17, 2018) (assessing \$500 per day for operating while suspended and underinsured); *In re Exquisite Limo. Serv. LLC*, No. MP-15-152, Order No. 16,153 (Jan. 22, 2016) (same).

¹¹ See Order No. 19,429 at 3 (revoking authority for operating while suspended and uninsured).

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