

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,787

IN THE MATTER OF:

Served June 7, 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. 19,681, served January 24, 2022.

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, served May 1, 2020. 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

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

copies of 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.

In response, 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 was accompanied by letters from MTM, A2C, and SE, each asserting that respondent did not operate on their behalf during the suspension period.

Respondent's statement was deficient because it was not signed or verified under oath as required by Commission Rule Nos. 4-05 and 4-06, and because the record showed that respondent employed multiple drivers, yet the statement did not clearly address whether respondent, as opposed to respondent's president, transported passengers during the suspension period. Furthermore, respondent failed to produce any corroborating business records, as directed.

Therefore, pursuant to Regulation No. 58-14(b), Order No. 19,681 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. 1608.

II. RESPONSE AND FINDINGS

On February 7, 2022, respondent submitted separate signed statements from its president, Saidou Ouedraogo, and vice president, Kiswendesida Barry. The statements confirm that respondent ceased transporting passengers for hire during the suspension period and further specify that respondent did not operate on behalf of MTM, A2C, or SE from April 13, 2020, to May 7, 2020.

Respondent also produced bank statements for two checking accounts covering the entirety of the period from February 1, 2020, to May 1, 2020, and produced client trip reports, including itineraries, covering the same period. Respondent's bank statements show little activity during the suspension period, consistent with a halt in operations, and the trip reports show that all trips scheduled during the suspension period were canceled.

Based on the record, as supplemented in response to Order No. 19,681, including respondent's statements, client statements, and corroborating business records, we find respondent has demonstrated cessation of operations during the suspension period. Respondent has thus shown good cause why Certificate No. 1608 should not be suspended or revoked.

But respondent offers no explanation for failing to produce its business records on or before the June 1, 2020, deadline established in Order No. 18,810. We find that respondent's failure to fully respond

to Order No. 18,810 in a timely manner was knowing and willful and warrants assessment of a civil forfeiture in the amount of \$250.³

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. 18,810.

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).

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD AND LOTT:

A handwritten signature in blue ink that reads "Jeffrey M. Lehmann". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jeffrey M. Lehmann
Executive Director

³ See *In re Buma Med. Transp. LLC*, No. MP-18-014, Order No. 18,434 (Oct. 16, 2019) (assessing \$250 for failing to produce documents in timely fashion); *In re Vanmar, Inc.*, No. MP-17-100, Order No. 17,337 (Dec. 5, 2017) (same).