

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,979

IN THE MATTER OF:

Served November 18, 2022

HORIZON MEDICAL TRANSPORTATION,)
L.L.C., Suspension and)
Investigation of Revocation of)
Certificate No. 1145)

Case No. MP-2022-027

This matter is before the Commission on the response of respondent to Order No. 19,805, served June 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. 1145 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. 1145 was rendered invalid at 12:01 a.m. on June 8, 2022, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 19,790, served June 8, 2022, noted the automatic suspension of Certificate No. 1145 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1145, 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. 1145.

Respondent thereafter paid the late fee and submitted \$1 million primary and \$500,000 excess WMATC Insurance Endorsements, and the suspension was lifted in Order No. 19,805. However, because the effective date of the new endorsements is June 22, 2022, instead of June 8, 2022, leaving a 14-day gap in required insurance coverage, the order gave respondent 30 days to verify cessation of operations from June 8, 2022, to June 24, 2022, in accordance with Regulation No. 58-14(a). The

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

order further directed respondent to corroborate its verification with copies of respondent's pertinent business records from March 1, 2020, to June 24, 2022, and a statement from Access2Care, LLC, (A2C), one of respondent's principal clients.

II. RESPONSE TO ORDER NO. 19,805

On July 21, 2022, as supplemented on July 25, 2022, and September 20, 2022, respondent produced: (a) a statement asserting that it ceased operations; (b) a signed statement from A2C stating that respondent "did not render transportation service for Access2Care, LLC between the dates of June 8, 2022 to June 24, 2022"; (c) copies of respondent's bank statements for the period beginning March 1, 2022, to June 30, 2022; and (d) trip log information corresponding to payments for transportation services made by A2C to respondent in 11 separate transactions between June 9, 2022, and July 21, 2022.

The trip logs reveal that on June 28, 2022, respondent was paid by A2C for 48 separate trips performed on June 8, 2022, when Certificate No. 1145 was suspended and respondent was uninsured.

In its statement, respondent appears to acknowledge it provided trips on June 8, 2022, when it states that respondent "did cease all operations follow[ing] the suspension [order] from WMATC on the 8th of June and only resumed operations on the 24th of June after the suspension had been lifted."

But as noted above, respondent's insurance endorsement terminated at 12:01 a.m. on June 8, 2022. Under Commission Regulation No. 58-12(a): "Failure to replace a WMATC Insurance Endorsement prior to termination shall result in immediate, automatic suspension of a carrier's operating authority. The carrier must suspend operations immediately and may not recommence operations unless and until otherwise ordered by the Commission."

III. ORDER TO SHOW CAUSE

Considering that respondent's trip logs contain entries for passenger trips on June 8, 2022, while Certificate No. 1145 was suspended and respondent was uninsured, 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. 1145, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority.³

THEREFORE, IT IS ORDERED:

³ See *In re Royal Limousine LLC*, No. MP-15-119, Order No. 15,917 (Oct. 20, 2015) (show cause order issued where documents showed carrier operated while suspended and uninsured); *In re Exact Enters. Inc.*, No. MP-14-146, Order No. 15,771 (July 28, 2015) (same); *In re Sami Inv. Inc.*, No. MP-14-015, Order No. 15,531 (Apr. 17, 2015) (same).

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. 1145, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, and Regulation No. 58.

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.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS RICHARD AND LOTT:



Jeffrey M. Lehmann
Executive Director