

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,980

IN THE MATTER OF:

Served November 18, 2022

F&O TRANSPORT SERVICE, LLC,)
Suspension and Investigation of)
Revocation of Certificate No. 748)

Case No. MP-2020-119

This matter is before the Commission on respondent's response to Order No. 19,762, served May 4, 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. 748 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. 748 was rendered invalid on July 22, 2020, when the \$500,000 excess of \$1 million WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 18,907, served July 22, 2020, noted the automatic suspension of Certificate No. 748 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 748, 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. 748.³

In the meantime, respondent's \$1 million primary WMATC Insurance Endorsement was canceled effective July 24, 2020, by notice filed June 23, 2020. Respondent paid the late fee on October 6, 2020, and submitted a \$1.5 million primary WMATC Insurance Endorsement on September 25, 2020, and the suspension was lifted in Order No. 19,023,

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

³ The 30-day response period was tolled until September 21, 2020, and expired October 21, 2020. See *In re Comm'n Operations in Exigent Circumstances Caused by the COVID-19 Pandemic*, Gen. Order No. 26 (Sept. 21, 2020).

served October 6, 2020. However, because the effective date of the new endorsement is September 25, 2020, instead of July 22, 2020, leaving a 65-day gap in required insurance coverage, including 63 days without any insurance coverage in place, the order gave respondent 30 days to verify cessation of operations from July 22, 2020, to October 6, 2020, in accordance with Regulation No. 58-14(a). The order further directed respondent to corroborate its verification with copies of respondent's pertinent business records from May 1, 2020, to October 6, 2020, and a written statement from Southeastrans, Inc., (SE), a principal client of record, also as contemplated by Regulation No. 58-14(a).

In response, on November 4, 2020, respondent submitted: 1) a statement of its primary member, Foday D. Kamara; 2) a copy of a SE letter, dated July 23, 2020, notifying respondent it was to immediately cease furnishing transportation on behalf of SE; 3) evidence respondent's vehicle license plates were returned to the Maryland Motor Vehicle Administration prior to the suspension period; and 4) bank statements for two checking accounts held by respondent.

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 did not address whether respondent transported passengers for hire during the suspension period. Similarly, the SE letter failed to indicate whether respondent refrained from operations on behalf of SE during the entire suspension period, and the bank account statements produced by respondent were incomplete.

Therefore, pursuant to Regulation No. 58-14(b), Order No. 19,762 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. 748, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to verify cessation of operations and produce documents as directed.

II. RESPONSE AND FINDINGS

On May 24, 2022, respondent submitted a signed statement from its primary member, Foday D. Kamara, stating that respondent ceased transporting passengers in the Washington Metropolitan Area during the suspension period and that SE is respondent's sole client. The statement is corroborated by a signed letter from SE asserting that respondent provided "no trips for [SE] between July 21st, 2020, until December 13th, 2020," and a corresponding SE trip report showing no trips during the relevant date range. Respondent also produced bank statements for two checking accounts, covering the entire period from May 1, 2020, to October 6, 2020, and the bank statements show little activity during the suspension period, consistent with a halt in operations. Finally, respondent produced receipts from the Maryland Motor Vehicle Administration (MVA), showing respondent surrendered the for-hire license plates of each of the five reported vehicles in its fleet to the MVA on July 20, 2020, and July 21, 2020, immediately prior to the commencement of the suspension period.

Based on the record, as supplemented in response to Order No. 19,762, including respondent's statement, client statement, 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. 748 should not be suspended or revoked.

But respondent offers no explanation for failing to produce an acceptable verification or complete business records on or before the November 5, 2020, deadline established in Order No. 19,023. We find that respondent's failure to fully respond to Order No. 19,023 in a timely manner was knowing and willful and warrants assessment of a civil forfeiture in the amount of \$250.⁴

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. 19,023.

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:



Jeffrey M. Lehmann
Executive Director

⁴ See, e.g., *In re Mariet & B Transp., LLC*, No. MP-20-065, Order No. 19,787 (June 7, 2022) (assessing \$250 for failing to produce acceptable verification and documents in timely fashion); *In re Buma Med. Transp. LLC*, No. MP-18-014, Order No. 18,434 (Oct. 16, 2019) (same).