

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 20,826

IN THE MATTER OF:

Served July 10, 2024

INTEGRATED COMMUNITY SERVICES, )  
INC., WMATC No. 2491, Investigation )  
of Violation of Regulation Nos. )  
64-01, 64-02(b), and 64-04 )

Case No. MP-2024-069

This investigation is being initiated to determine whether respondent, Integrated Community Services, Inc., knowingly and willfully violated Commission Regulation Nos. 64-01, 64-02(b), and 64-04 by transporting passengers for hire between points within the Metropolitan District in vehicles that have not passed a motor vehicle safety inspection within the preceding 12 months and in vehicles that do not display for-hire license plates.

**I. COMMISSION REQUIREMENTS AT ISSUE**

Commission Regulation Nos. 64-01 and 64-02(b) operate in tandem to prohibit a carrier's use of a vehicle to transport passengers for hire unless that vehicle has passed a safety inspection within the preceding 12 months. Annual inspections of vehicles seating nine persons or more, including the driver, are required by Regulation No. 64-01, which adopts the Federal Motor Carrier Safety Regulations, including the periodic inspection requirements in 49 C.F.R. § 396.17. Annual inspections of vehicles seating eight or fewer persons, including the driver, are required by Regulation No. 64-02(b).

Under Regulation No. 64-04 a carrier may not use a vehicle to transport passengers under WMATC authority unless that vehicle has for-hire license plates.

**II. BACKGROUND**

Respondent holds WMATC Certificate of Authority No. 2491. Respondent's 2024 WMATC annual report, filed January 23, 2024, lists eight vehicles used in WMATC operations, including seven which were not registered in a for-hire vehicle registration class, in apparent violation of Regulation No. 64-04. Accordingly, on April 12, 2024, staff issued a letter directing respondent to file by May 13, 2024, an updated list of revenue vehicles, copies of current for-hire registration cards for those vehicles, and a safety inspection certificate, dated within the previous 12 months, for each vehicle. Respondent did not respond.

### III. COMMISSION POWERS

Proceedings may be instituted by the Commission, upon complaint or upon its own motion, by the issuance of an order to show cause, an order of investigation, or other appropriate order.<sup>1</sup>

The Commission may investigate to determine whether a person has violated or will violate a provision of the Compact or a rule, regulation, or order.<sup>2</sup> For the purpose of an investigation or other proceeding under the Compact, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.<sup>3</sup> The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.<sup>4</sup>

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.<sup>5</sup> Each day of the violation constitutes a separate violation.<sup>6</sup>

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.<sup>7</sup> The term "willfully" does not mean with evil purpose or criminal intent.<sup>8</sup> Rather, it describes conduct marked by careless disregard whether or not one has the right so to act.<sup>9</sup> Employee negligence is no defense.<sup>10</sup>

Furthermore, 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.<sup>11</sup>

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<sup>1</sup> Regulation No. 9-02.

<sup>2</sup> Compact, tit. II, art. XIII, § 1(c).

<sup>3</sup> Compact, tit. II, art. XIII, § 1(e).

<sup>4</sup> Compact, tit. II, art. XII, § 1(b).

<sup>5</sup> Compact, tit. II, art. XIII, § 6(f)(i).

<sup>6</sup> Compact, tit. II, art. XIII, § 6(f)(ii).

<sup>7</sup> *In re Voca Corp. of Wash., D.C.*, No. MP-03-30, Order No. 7119 (Apr. 8, 2003).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Compact, tit. II, art. XI, § 10(c).

If the Commission finds that a respondent has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.<sup>12</sup>

**IV. ORDER TO SHOW CAUSE**

Respondent will be given 30 days to show cause why the Commission should not assess a civil forfeiture or suspend or revoke Certificate No. 2491 for knowingly and willfully violating Commission Regulation Nos. 64-01, 64-02(b), and 64-04.

THEREFORE, IT IS ORDERED:

1. That the Commission hereby initiates this investigation under Article XIII, Section 1, of the Compact.

2. That respondent shall have 30 days from the date of this order to show cause why the Commission should not assess a civil forfeiture, or suspend or revoke Certificate No. 2491, for knowingly and willfully violating Regulation Nos. 64-04, 64-01, and 64-02(b).

3. 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 LACKEY, KERSHBAUM, AND RICHARD:



Jeffrey M. Lehmann  
Executive Director

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<sup>12</sup> Compact, tit. II, art. XIII, § 1(d).