

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7256

IN THE MATTER OF:

Served June 20, 2003

FAITH TRANSPORTATION, INC. (WMATC) Case No. MP-2003-57
No. 377); FAITH TRANSPORTATION)
SERVICES, INC.; and FAITH SERVICES)
TRANSPORTATION, INC., Trading as)
FAITH TRANSPORTATION; Investigation)
of Unauthorized Operations)

This investigation is being initiated to determine whether respondents have violated the Compact by transferring the operations of a WMATC carrier to a non-WMATC carrier without Commission approval.

On May 12, 2003, the Commission received an application for a certificate of authority from Faith Services Transportation, Inc., a Maryland corporation trading as Faith Transportation (Faith III). The initial order noting the application, Order No. 7219,¹ recites the following facts pertinent to this investigation. Faith III was incorporated on September 26, 2002, by Roosevelt Dickens, its president and director. At that time, Mr. Dickens also was president of Faith Transportation Services, Inc. (Faith II). His relationship with Faith II was formally severed on January 17, 2003, when he was replaced as president by Faith II board member Victoria Joiner, who also is president of Faith Transportation, Inc., WMATC Carrier No. 377 (Faith I). Faith III's controller, Brenda Ellis-Riddick, is the controller for Faith I and is or at one time was, Secretary/Treasurer of Faith I. She was Secretary/Treasurer of Faith II until January 17, 2003. Records from the Maryland Department of Assessments and Taxation show the same principal office address and registered agent address for all three companies.

The records from Maryland also show the following. Faith I is not in good corporate standing with the State of Maryland, having last filed a personal property return on June 15, 2001. That date is significant because Faith II was incorporated two weeks later on June 29, 2001, by Ms. Joiner, Faith I's president, and Mr. Dickens, who would later become Faith III's president. Faith II is in good corporate standing with the State of Maryland, having filed a 2002 personal property return on January 17, 2003, and having requested an extension of time to file a personal property return for 2003. Faith

¹ In re Faith Servs. Transp., Inc., No. AP-03-61, Order No. 7219 (June 2, 2003).

III is in good corporate standing with the State of Maryland, having requested an extension of time to file a personal property return for 2003.

These facts are consistent with Faith I discontinuing operations in June of 2001 and transferring those operations to Faith II. There is also the possibility, not remote, that some or all of those operations were subsequently transferred to Faith III, or will be if Faith III's application for operating authority is approved. Under the Compact, such transfers require Commission approval.²

The Commission may investigate whether a person has violated the Compact and for the purpose of an investigation "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."³ In addition, the Commission "shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes."⁴

If the Commission finds a person has violated the Compact, the Commission shall issue an order compelling compliance and effecting other just and reasonable relief.⁵ A person who knowingly and willfully violates a provision of the Compact is subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for each subsequent violation.⁶ Each day of the violation counts as a separate violation.⁷ The Commission may suspend or revoke a certificate of authority for willful failure to comply with the Compact or Commission rule, regulation or order thereunder.⁸

We shall direct respondents to produce any and all records and documents in their possession, custody or control relating to transportation of passengers for hire between points in the Metropolitan District during the period beginning June 15, 2001, and ending on the date of this order. We also shall direct Faith I to present its revenue vehicles for inspection, including vehicles operated under the MetroAccess program.

² Compact, tit. II, art. XII, § 3.

³ Compact, tit. II, art. XIII, § 1(c), (e).

⁴ Compact, tit. II, art. XII, § 1 (b).

⁵ Compact, tit. II, art. XIII, § 1(d).

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

⁷ Compact, tit. II, art. XIII, § 6(f).

⁸ Compact, tit. II, art. XI, § 10(c).

THEREFORE, IT IS ORDERED:

1. That an investigation of respondents and their operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That Faith Transportation Services, Inc., and Faith Services Transportation, Inc., are hereby directed to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District unless and until otherwise ordered by the Commission.

3. That respondents are hereby directed to produce, within thirty days from the date of this order, any and all books, papers, correspondence, memoranda, contracts, agreements, and other records and documents, including any and all stored electronically, that are within respondent's possession, custody or control and which relate to the transportation of passengers for hire between points in the Metropolitan District during the period beginning June 15, 2001, and ending on the date of this order, including, but not limited to any and all:

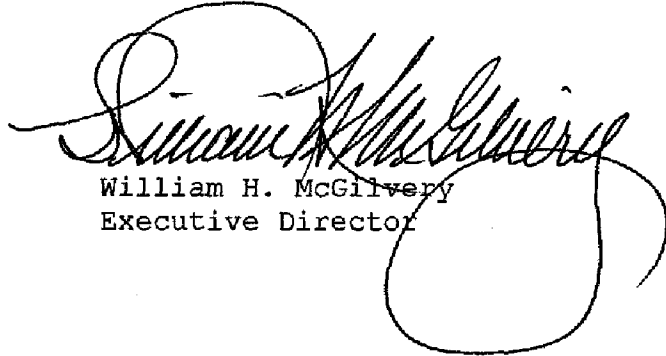
- a. customer contracts and invoices;
- b. invoices from other carriers;
- c. evidence of communications, including telephone logs, facsimile transmissions, and correspondence;
- d. calendars and itineraries;
- e. bank records;
- f. payroll records;
- g. insurance documents;
- h. advertising materials;
- i. corporate minutes;
- j. income tax and personal property returns; and
- k. USDOT Forms MCS-150.

4. That, within thirty days from the date of this order, Faith Transportation, Inc., WMATC Carrier No. 377, shall present all revenue vehicles for inspection by Commission staff, including vehicles operated under the MetroAccess program.

5. That Certificate of Authority No. 377 shall be automatically suspended upon the failure of Faith Transportation, Inc., to timely comply with this order.

6. That in the event Certificate of Authority No. 377 is suspended pursuant to the preceding paragraph, Faith Transportation, Inc., shall have thirty days thereafter to show cause why Certificate of Authority No. 377 should not be revoked.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND MCDONALD:



William H. McGilvery
Executive Director