

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7421

IN THE MATTER OF:

Served September 24, 2003

GOLD LINE, INC., WMATC No. 14,)
Investigation of Violation of)
Regulation Nos. 61 and 62 and)
Order to Show Cause)

Case No. MP-2003-79

This matter is before the Commission on the failure of respondent to comply with the initial order in this proceeding, Order No. 7330, served July 21, 2003.

This investigation was initiated to determine whether respondent knowingly and willfully violated Commission Regulation Nos. 61 and 62. Commission Regulation No. 61 requires each WMATC carrier to display on both sides of each revenue vehicle the carrier's name or trade name and the carrier's WMATC number. Under Regulation No. 62, a WMATC carrier must file a lease with the Commission for each non-owned revenue vehicle.

On November 5, 2002, a Commission staff member observed that one of respondent's buses did not display respondent's name and WMATC number on the passenger side of the vehicle.

On November 11, 2002, staff issued a letter directing respondent to present its revenue vehicles for inspection. Respondent submitted a vehicle list on December 4, 2002, showing fifty-six vehicles. Respondent only produced five vehicles for inspection, and none were found to comply with Regulation No. 61. In addition, vehicle leases filed February 3, 2003, were incomplete and, therefore, unacceptable for filing under Regulation No. 62. More than five months went by with no further filing and no further production of vehicles. This investigation ensued.

Order No. 7330 directed respondent to immediately bring its operations into compliance with Commission Regulation Nos. 61 and 62 and produce all revenue vehicles for inspection within thirty days. The order also gave respondent thirty days to show cause why respondent should not be found to have knowingly and willfully violated Regulation Nos. 61 and 62. The order provided that Certificate of Authority No. 14 would stand suspended, and be subject to revocation without further notice, upon respondent's failure to timely present its vehicles for inspection and file the necessary leases.

Respondent has filed no leases, produced no vehicles and made no presentation on the show cause issue. In short, respondent has failed to respond.

Accordingly, we find that the violations of Regulation Nos. 61 and 62 were knowing and willful and shall assess a civil forfeiture of

\$250 for each violation.¹ Further, respondent shall have thirty days to show cause why Certificate No. 14 should not be revoked for willful failure to comply with a Commission order.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 14 is suspended for the willful failure of respondent to comply with Order No. 7330.

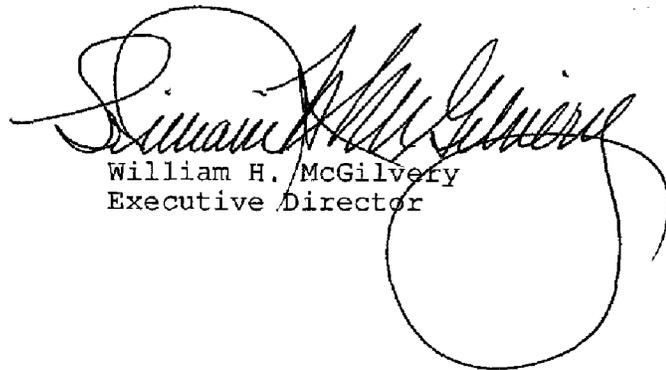
2. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against respondent in the amount of \$250 each for knowingly and willfully violating Commission Regulation Nos. 61 and 62.

3. That respondent is hereby directed to pay to the Commission within thirty days of the date of this order, by money order, certified check, or cashier's check, the sum of five hundred dollars (\$500).

4. That respondent shall have thirty days to show cause why Certificate of Authority No. 14 should not be revoked for the willful failure of respondent to comply with Order No. 7330.

5. That respondent may file within 15 days from the date of this order a 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 YATES, MILLER, AND MCDONALD:



William H. McGilverey
Executive Director

¹ See In re William E. Gillison, t/a Quiana Tours, Quiana Tours, Inc., & Baron Transp., Inc., No. MP-02-97, Order No. 7066 (Mar. 4, 2003) (assessing civil forfeitures of \$250 each for violating Regulations Nos. 61 & 62).