

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7717

IN THE MATTER OF:

Served January 29, 2004

HUSAM GAAFAR OSMAN GANGAL, Trading )  
as SAMAR MEDICAL TRANS, Suspension )  
and Investigation of Revocation of )  
Certificate No. 620 )

Case No. MP-2003-113

Investigation of Failure to File )  
Annual Report, Assessment of Civil )  
Forfeiture, and Notice of Automatic )  
Suspension and Revocation, Directed )  
to: HUSAM GAAFAR OSMAN GANGAL, )  
Trading as SAMAR MEDICAL TRANS, )  
WMATC No. 620 )

Case No. MP-2003-136

This matter is before the Commission on respondent's failure to comply with the Commission's insurance and annual report requirements.

A person may not engage in transportation subject to the Compact unless there is in force a certificate of authority issued by the Commission authorizing the person to engage in that transportation.<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup> Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 620 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. 620 became invalid on October 11, 2003, when the \$1.5 million WMATC Insurance Endorsement filed on respondent's behalf expired without replacement. Order No. 7469, served October 14, 2003, noted that Certificate No. 620 would be subject to revocation if respondent failed to file the necessary WMATC Insurance Endorsement(s) within thirty days.

The Commission received a replacement endorsement in respondent's name on November 13, 2003, but coverage under the replacement endorsement did not commence until November 5, 2003, leaving a twenty-five day gap in coverage as measured from when the previous endorsement terminated. Respondent admits that Samar Medical Trans continued operating during this period despite the lack of valid authority and the absence of any insurance.<sup>3</sup> Respondent explains that

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<sup>1</sup> Compact, tit. II, art. XIII, § 6(a).

<sup>2</sup> Compact, tit. II, art. XIII, § 7(g).

<sup>3</sup> Respondent alleges he has not been paid for the suspension-period service, but this is irrelevant. See In re Madison Limo. Serv., Inc., No. AP-91-39, Order No. 3891 (Feb. 24) (continuation of certificated operations at no charge held to be "transportation for hire") (citing

he was away in Canada during this period, having left his office manager in charge, and that it was not until November 5, 2003, when he returned from Canada and discovered a cancellation notice from the insurance company in his mail, that he became aware his insurance had terminated. The problem with this explanation is that October 11, 2003, was the termination date stated on the endorsement itself. Respondent should have left renewal instructions with the office manager in advance of respondent's departure for Canada.<sup>4</sup>

While Case No. MP-2003-113 was pending, the Commission initiated Case No. MP-2003-136 for the purpose of investigating respondent's failure to file his annual report for 2002 pursuant to Commission Regulation No. 60. Order No. 7525, served November 10, 2003, gave respondent until December 10, 2003, to file the annual report and pay a civil forfeiture of \$100, and further provided that upon respondent's failure to timely comply, respondent's operating authority would stand suspended and be subject to revocation without further proceeding pursuant to Article XI, Section 10(c), of the Compact. Respondent has yet to comply.

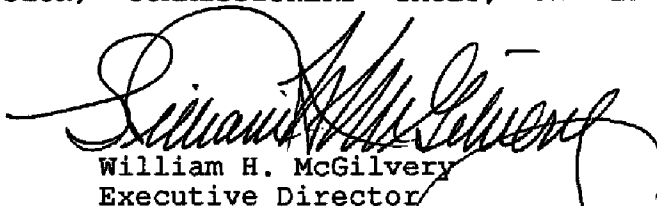
Accordingly, Certificate No. 620 shall be revoked pursuant to Article XI, Section 10(c), of the Compact for respondent's willful failure to comply with Article XI, Section 6(a), of the Compact; Commission Regulation Nos. 58 and 60; and the initial orders in these proceedings.

In the event Certificate No. 620 is later reinstated, the requirement to file an annual report for 2002 and pay the \$100 civil forfeiture assessed in Order No. 7525 shall stand reinstated.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 620 is hereby revoked.
2. That within 30 days from the date of this order respondent shall:
  - a. remove from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61;
  - b. file a notarized affidavit with the Commission verifying compliance with the preceding paragraph; and
  - c. surrender Certificate No. 620 to the Commission.

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

  
William H. McGilvery  
Executive Director

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Order No. 3810 at 6; Unique Freight Lines Co. v. White Tiger Transp. Co., 618 F. Supp. 216 (S.D.N.Y. 1985)), aff'd on reconsideration, Order No. 3914 (Mar. 25, 1992).

<sup>4</sup> In re ACEP Group Inc., No. MP-02-128, Order No. 7137 (Apr. 18, 2003).

<sup>5</sup> See In re Danny Transportation, Inc., No. MP-02-55, Order No. 6828 (Oct. 2, 2002) (revoking authority for failure to comply with insurance requirements and providing for reinstatement of annual fee/report proceedings upon reinstatement of authority).