

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7748

IN THE MATTER OF:

Served February 17, 2004

IMPERIAL TRAVEL AND LIMOUSINE)
SERVICES, INC., Investigation of)
Unauthorized Operations)

Case No. MP-2003-48

This matter is before the Commission on respondent's failure to respond to Order No. 7202, served May 21, 2003.

This investigation was initiated to determine whether respondent violated Article XI, Section 6(a), of the Compact, which states that 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.

On December 2, 2002, the Commission received a \$1.5 million WMATC Certificate of Insurance and Policy Endorsement in the name of Imperial Travel & Limo Service, Inc. Commission staff wrote to respondent on December 6, 2002, advising it to consider filing an application for WMATC operating authority, but respondent did not reply.

Commission staff subsequently obtained from the Transportation Division of the Maryland Public Service Commission (MDPSC) a copy of the rates filed with that agency on November 25, 2002, by Imperial Travel and Limousine Services, Inc., MDPSC #2892. The rates include flat fares for service between points in the Washington Metropolitan Area Transit District. Such service requires a WMATC certificate of authority.¹ Respondent does not hold such a certificate.

Order No. 7202 advised respondent that flat-fare service between points in the Metropolitan District requires a WMATC certificate of authority and directed respondent to produce any and all records in its possession, custody or control relating to operations in the Metropolitan District during the period beginning November 25, 2002, and ending on May 21, 2003. Respondent has yet to respond and continues to publish flat-fare rates for service between points in the Metropolitan District in its MDPSC tariff.

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.²

¹ In re Washington Exec. Sedan, Inc., & Global Express Limo. Serv., Inc., No. MP-02-03, Order No. 6772 (Aug. 13, 2002).

² Compact, tit. II, art. XIII, § 6(f).

"Knowingly" means with perception of the underlying facts, not that such facts establish a violation.³ "Willfully" does not mean with evil purpose or criminal intent; rather, it describes conduct marked by careless disregard.⁴ Employee negligence is no defense.⁵

The Commission will assess a forfeiture of \$250 for respondent's knowing and willful failure to produce the requested documents.⁶ Also, for knowingly and willfully holding itself out to perform transportation requiring a WMATC certificate of authority in violation of Commission Regulation No. 63-04,⁷ we will assess a forfeiture of \$250.⁸ In addition, we will direct respondent to cease publishing flat fares for service between points in the Washington Metropolitan Area Transit District.

THEREFORE, IT IS ORDERED:

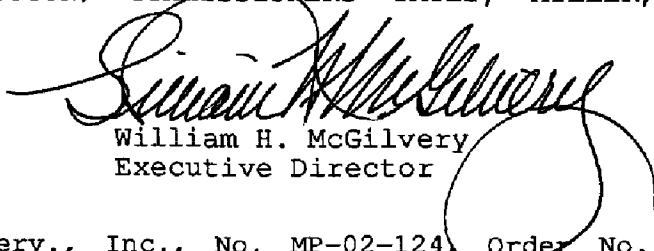
1. That the Commission hereby assesses a civil forfeiture against respondent in the amount of \$250 for knowingly and willfully violating Commission Order No. 7202.

2. That the Commission hereby assesses a civil forfeiture against respondent in the amount of \$250 for knowingly and willfully violating Commission Regulation No. 63-04.

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 cease publishing flat fares for service between points in the Washington Metropolitan Area Transit District.

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


William H. McGilvery
Executive Director

³ In re Chika Transport Serv., Inc., No. MP-02-124, Order No. 7173 (May 7, 2003).

⁴ Id.

⁵ Id.

⁶ See id. (civil forfeiture of \$250 assessed for disobeying order to produce documents).

⁷ Regulation No. 63-04 provides that no carrier "regulated by the Commission or subject to such regulation shall advertise or hold itself out to perform transportation or transportation-related services within the Metropolitan District unless such transportation or transportation-related services are authorized by the Commission."

⁸ See In re Washington Exec. Sedan, Inc., & Global Express Limo. Serv., Inc., No. MP-02-03, Order No. 6772 (Aug. 13, 2002). (\$250 forfeiture assessed for advertising service requiring a WMATC certificate of authority).