

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7889

IN THE MATTER OF:

Served March 23, 2004

TARIG A. OMER, Trading as)
SKYCARE TRANS, Suspension and)
Investigation of Revocation of)
Certificate No. 317)

Case No. MP-2003-172

This matter is before the Commission on respondent's failure to respond to Order No. 7697, served January 28, 2004.

Under the Compact, a certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.¹ Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 317 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. 317 became invalid on December 12, 2003, when the \$1.5 million WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 7614 noted the automatic suspension of Certificate No. 317 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 317, and gave respondent thirty days to replace the expired endorsement or face revocation of Certificate No. 317. Respondent submitted a \$1.5 million replacement endorsement on January 16, 2004. The effective date of the new endorsement is December 28, 2003. This means that respondent was without insurance coverage for sixteen days, from December 12, 2003, through December 27, 2003.

Under Commission Rule No. 28, respondent is required to verify that he ceased transporting passengers for hire under Certificate No. 317 as mandated by Order No. 7614. Order No. 7697 gave respondent thirty days to furnish proof that he ceased operations as of December 12, 2003. Inasmuch as respondent's only tariff is for service rendered to clients of the District of Columbia Department of Health, Medical Assistance Administration, (DC Medicaid), such proof was to include confirmation from DC Medicaid. Respondent has yet to file any proof that he ceased operating as of December 12, 2003.

¹ Compact, tit. II, art. XIII, § 7(g).

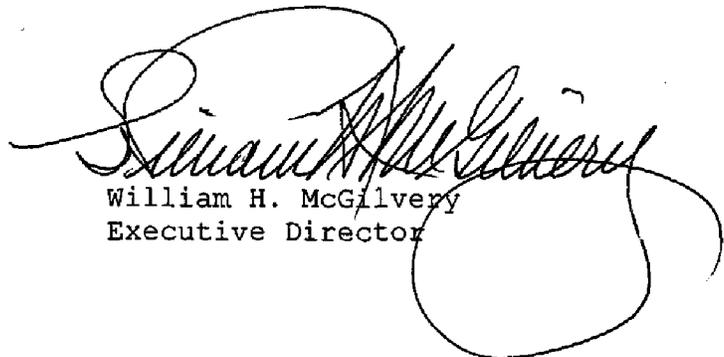
Under Article XI, Section 10(c), of the Compact, the Commission, after notice and hearing, may suspend or revoke a certificate of authority for a carrier's willful failure to comply with a provision of the Compact or an order, rule or regulation of the Commission. A paper hearing is normally all the statute requires.² An oral hearing is unnecessary, in any event, if no material issue of fact is in dispute.³

We shall revoke Certificate No. 317 for respondent's willful failure to comply with Regulation No. 58, Rule No. 28 and Order No. 7697.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 317 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 requirement; and
 - c. surrender Certificate No. 317 to the Commission.

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



William H. McGilvery
Executive Director

² In re Affordable Airport Charter, Inc., & Bach Vu, t/a Affordable Airport Charter, No. MP-97-76, Order No. 5400 (Aug. 31, 1998).

³ Id.