

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8080

IN THE MATTER OF:

Served June 9, 2004

CHIKA TRANSPORT SERVICE, INC.,)
WMATC No. 348, Investigation of)
Tariff Violations)

Case No. MP-2002-124

This matter is before the Commission on respondent's response to Order No. 7546, served November 20, 2003. The order suspended Certificate No. 348 and gave respondent thirty days to show cause why Certificate No. 348 should not be revoked for willful failure to comply with Commission Order No. 7173, served May 7, 2003.

I. BACKGROUND

Order No. 7173 directed respondent to pay a civil forfeiture of \$1,500 and produce all revenue vehicles for inspection by Commission staff. The order further provided that Certificate of Authority No. 348 would stand suspended and be subject to revocation without further notice upon respondent's failure to timely comply.

On June 3, 2003, respondent paid the \$1,500 forfeiture and requested that the time for presenting its vehicles for inspection be extended until July 18, 2003. On July 17, 2003, respondent requested a further extension until August 29, 2003. On August 28, 2003, respondent presented five of its nine vehicles for inspection. All five failed. None were in compliance with the vehicle marking requirements in Regulation No. 61, no proof was submitted that any had passed a safety inspection within the past twelve months, and no leases had been filed as required by Commission Regulation No. 62 for those vehicles not registered in respondent's name.

Accordingly, Order No. 7546 suspended Certificate No. 348 and gave respondent thirty days to show cause why Certificate No. 348 should not be revoked.

II. RESPONSE AND FINDINGS

On December 4, 2003, respondent's president, Daniel Emeruem, filed a statement explaining that respondent's compliance with Regulation No. 61 was hampered by negotiations with a third party that had expressed an interest in "buying" respondent. Mr. Emeruem pledged compliance before December 16, 2003. Respondent thereafter presented three vehicles for inspection on December 19, 2003, and four on January 8, 2004. Although the seven vehicles presented complied with Regulation No. 61, respondent presented no proof of safety inspection for one of the vehicles, respondent has yet to present the other two

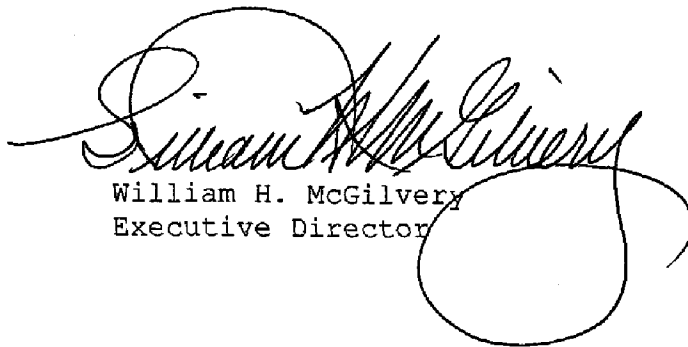
vehicles and has yet to file any leases, the list of vehicles presented fails to fully match the list of vehicles on respondent's annual report filed February 11, 2004, and the list of vehicles in the annual report does not fully match the list of vehicles obtained from respondent's insurance company. Finally, respondent has failed to verify that it ceased transporting passengers for hire under Certificate No. 348 in accordance with Order No. 7546 as required by Commission Rule No. 28.

We therefore shall revoke Certificate No. 348 for respondent's willful failure to comply with Commission Order No. 7173, Commission Regulation No. 62, and Commission Rule No. 28.

THEREFORE, IT IS ORDERED:

1. That Certificate of Authority No. 348 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. 348 to the Commission.

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



William H. McGilvery
Executive Director