

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8081

IN THE MATTER OF:

Served June 9, 2004

A-AMERICAN DREAM LIMOUSINE )  
SERVICE, INC., Formerly Known ) Case No. MP-2003-90  
as AMERICAN DREAM LIMOUSINE )  
SERVICE INC., Investigation of )  
Unauthorized Operations )

This matter is before the Commission on respondent's failure to respond to Order No. 7378, served August 27, 2003.

**I. BACKGROUND**

This investigation was initiated to determine whether respondent has violated Article XI, Section 6(a), of the Washington Metropolitan Area Transit Regulation Compact and Commission Regulation No. 63-04.

Article XI, Section 1, of the Compact provides that: "This Act shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District." Article XI, Section 6(a), of the Compact provides that: "A person may not engage in transportation subject to this Act unless there is in force a 'Certificate of Authority' issued by the Commission authorizing the person to engage in that transportation." 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."

The investigation stems from respondent's advertisement in the 2002-2003 Verizon SuperPages for the District of Columbia holding respondent out as a carrier providing transportation service in 14-passenger limousines, a 20-passenger Navigator, and a 24-passenger Excursion and from respondent's advertisement at [www.limopage.com](http://www.limopage.com) advertising passenger transportation service in 16-passenger limousines in the Washington Metropolitan Area. Commission staff wrote to respondent on February 21, 2003, informing respondent that such transportation requires a WMATC certificate of authority and advising respondent to consider filing an application for WMATC operating authority by March 21, 2003. Respondent did not reply.

On June 18, 2003, the Commission received a copy of a contract that appeared to have been issued by respondent for roundtrip

passenger transportation in a 24-passenger Excursion between Washington, DC, and Bethesda, MD, on June 7, 2003.

It thus appeared that respondent was advertising passenger transportation for hire between points in the Metropolitan District in violation of Regulation No. 63-04 and transporting passengers for hire between points in the Metropolitan District in violation of Article XI, Section 6(a), of the Compact.

Accordingly, Order No. 7378 directed respondent to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District, and advertising such service, unless and until otherwise ordered by the Commission. The order also gave respondent thirty days to produce any and all records and documents in its possession, custody or control relating to transportation of passengers for hire between points in the Metropolitan District during the period beginning February 21, 2003, and ending August 27, 2003.

A copy of the order sent to respondent certified, return receipt requested was returned on September 22, 2003, marked "Unclaimed" after the letter carrier left two notices. A second copy sent First Class mail was not returned.

Respondent has yet to offer any response to Order No. 7378.

## **II. ADDITIONAL EVIDENCE AND FINDINGS**

On April 20, 2004, after verifying respondent was still advertising service in the Washington Metropolitan Area, Commission staff obtained a quote for a roundtrip tour of Washington, DC, for ten to fourteen people, originating and ending at a hotel in DC. Respondent's website still advertises tours in Washington, DC, and transportation to and from specific locations in Washington, DC, such as the Kennedy and MCI Centers and National and Warner Theaters, in ten-passenger and fourteen-passenger limousines.

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.<sup>1</sup>

"Knowingly" means with perception of the underlying facts, not that such facts establish a violation.<sup>2</sup> "Willfully" does not mean with

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

<sup>2</sup> In re Imperial Travel & Limo. Servs., Inc., No. MP-03-48, Order No. 7748 (Feb. 17, 2004).

evil purpose or criminal intent; rather, it describes conduct marked by careless disregard.<sup>3</sup> Employee negligence is no defense.<sup>4</sup>

The Commission will assess a forfeiture of \$250 against respondent for knowingly and willfully failing to produce the documents mandated in Order No. 7378<sup>5</sup> and a forfeiture of \$250 against respondent for knowingly and willfully holding itself out to perform transportation requiring a WMATC certificate of authority in violation of Commission Regulation No. 63-04.<sup>6</sup>

THEREFORE, IT IS ORDERED:

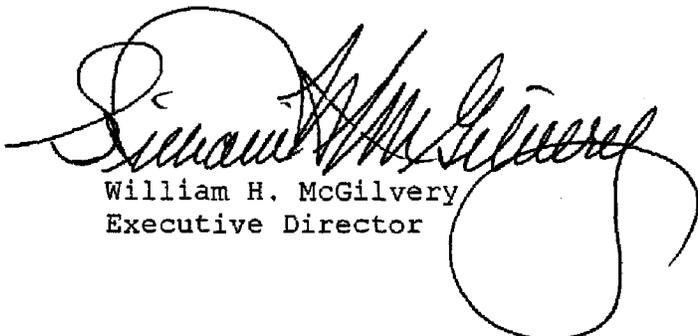
1. That the Commission hereby assesses a civil forfeiture against respondent in the amount of \$250 for knowingly and willfully violating Commission Order No. 7378.

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 is hereby directed to refrain from, and/or cease and desist from, transporting passengers for hire between points in the Metropolitan District, and advertising such service, unless and until otherwise ordered by the Commission.

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



William H. McGilvery  
Executive Director

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<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> See id. (civil forfeiture of \$250 assessed for disobeying order to produce documents).

<sup>6</sup> See id. (\$250 forfeiture assessed for advertising service requiring a WMATC certificate of authority).