

GOVERNMENT OF THE DISTRICT OF COLUMBIA
TAXICAB COMMISSION



OFFICE OF TAXICABS

April 22, 2016

*By hand-delivery; First Class U.S. Mail;
and email to empirecab@hotmail.com*

PAK American Corporation
trading as DC Flyer Cab Association
37 L Street, SE
Washington, D.C. 20003

And all persons acting in concert therewith

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AND

By First Class U.S. Mail
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1908 Creston Street
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**RE: ORDERS OF IMMEDIATE SUSPENSION AND NOTICES OF PROPOSED
REVOCATION TO DC FLYER CAB ASSOCIATION**

TO WHOM IT MAY CONCERN:

Pursuant to Chapter 7 of Title 31 of the D.C. Municipal Regulations (“DCMR”), and the D.C. Taxicab Commission Establishment Act of 1985, D.C. Official Code § 50-301, *et seq.*, the D.C. Office of Taxicabs (“Office”) provides notice to Pak American Corporation trading as DC Flyer Cab Association (“Respondent”) of the following enforcement actions:

**ENFORCEMENT ACTIONS AGAINST
RESPONDENT – DC FLYER CAB ASSOCIATION:**

**1. ORDER OF IMMEDIATE SUSPENSION – COMPANY OPERATING
AUTHORITY**

Respondent’s taxicab company operating authority is hereby **immediately suspended**. During the effective period of this suspension, you shall not operate as a taxicab company within the District **except for administrative matters such as paying operators, maintaining your place of business, and paying taxes and insurance. You shall not provide taxicab service during the effective period of this suspension.** This immediate suspension shall continue in force and effect pending the outcome of a timely appeal of the related notice of proposed revocation, unless sooner vacated by order of the Office of Administrative Hearings.

**2. ORDER OF IMMEDIATE SUSPENSION –
RESPONDENT’S DCTC VEHICLE LICENSES**

Each DCTC vehicle license issued to Respondent as a **sole owner** is hereby **immediately suspended** due to your failure to maintain your operating authority as a taxicab company. During the effective period of the suspension, you shall not operate or allow any individual to operate upon the streets of the District **any taxicab owned by you as a sole owner; any such taxicab found to be operating in the District will be ticketed and impounded, and the operator may be subject to criminal and civil penalties as an unlawful operator.** This immediate suspension shall continue in force and effect pending the outcome of a timely appeal

of the related notice of proposed revocation, unless sooner vacated by order of the Office of Administrative Hearings.

3. NOTICE OF PROPOSED REVOCATION – COMPANY OPERATING AUTHORITY

The Office proposes to revoke your company operating authority effective May 24, 2016, unless, prior to that date, you appeal this proposed action as provided below in “Appeals”. The immediate suspension of your company operating authority shall continue in force and effect pending the outcome of a timely appeal of this notice.

4. NOTICE OF PROPOSED REVOCATION – COMPANY RESPONDENT’S DCTC VEHICLE LICENSES

The Office proposes to revoke each DCTC vehicle license issued to you as the sole owner effective May 24, 2016, unless, prior to that date, you appeal this proposed action as provided below in “Appeals”. The immediate suspension of each DCTC taxicab vehicle license issue to you as the sole owner shall continue in force and effect pending the outcome of a timely appeal of this notice. If revocation becomes final, the “H” tags for these vehicles shall be immediately surrendered to the Department of Motor Vehicles (“DMV”).

TO REQUEST HEARINGS ON ANY OR ALL OF THE ABOVE ENFORCEMENT ACTIONS, SEE BELOW: “APPEALS (RIGHTS AND PROCEDURES)”.

FACTUAL BACKGROUND

Respondent – DC Flyer Cab Association

On or about August 15, 2015, your agent, employee or other individual acting on your behalf (“you”) applied for a vehicle change for a 2012 Toyota Camry (VIN 4T1BF1FK6CU184228) (Attached as Exhibit A). The Office has obtained a CarFax report (attached as Exhibit B) showing that this vehicle was involved in a serious accident and was declared a total loss. Under 31 DCMR § 609.6, no vehicle may be placed into service if it has been salvaged or rebuilt. On or about November 16, 2015, you applied for a vehicle change with the Office for a 2010 Ford Crown Victoria (VIN 2FABP7CV4AX135642) (Attached as Exhibit C). You certified with DMV that the mileage of this vehicle was 57,000 (Attached as Exhibit D). The Office has obtained a CarFax report showing this vehicle with an odometer reading of 161,334 as of December 12, 2013 (Attached as Exhibit E). Under 31 DCMR § 609.6, a vehicle may not be placed into service if it has been driven more than 100,000 miles. On or about December 1, 2015, you applied for a vehicle change with the Office for a 2011 Toyota Camry (VIN 4TBB3EK3BU130697) (Attached as Exhibit F). You certified the mileage of this vehicle with

the Department of Motor Vehicles (“DMV”) as 45,000 (Exhibit G). The Office has obtained a CarFax report showing this vehicle with a reported mileage of 272,407 as of October 25, 2015 (Exhibit H). The Office reserves the right to introduce other evidence consistent with this evidence at any hearing in this matter.

Upon knowledge, information, and belief, you, while performing the duties and responsibilities of a taxicab company, have willfully committed acts of fraud and misrepresentation against the Office, in violation of 31 DCMR § 511.

LEGAL AUTHORITY¹

D.C. Official Code § 50-301.13 - Regulation of public vehicles-for-hire

- (a) The Commission may issue any reasonable rule relating to the supervision of public vehicles-for-hire it considers necessary for the protection of the public.
- (b) The Commission may establish standards, criteria, and requirements for the licensing of the different classes of public vehicles-for-hire and the owner and operators thereof, and may establish appropriate classes of license fees for the ownership and operation of public vehicles-for-hire subject to the requirements of this section, provided that no license requirement for operating authority shall be mandated by the Commission which is duplicative of the jurisdiction of the Washington Metropolitan Area Transit Commission.
- (c) No person, corporation, partnership, or association shall operate public vehicles-for-hire in the District without first having procured all applicable licenses and meeting all requirements as mandated by the Commission. Any violation of this subsection shall subject a violator to a civil fine not to exceed \$500...
- (d) The Commission may establish reasonable civil fines and penalties for violation of any rule issued pursuant to the authority of this section.

D.C. Municipal Regulations, Title 31

511.1 No owner, agent, or employee of a taxicab company, association, or fleet, or his or her representative or affiliate, while performing duties and responsibilities for the taxicab company, association, or fleet, shall commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny. Examples of fraud, larceny, or misrepresentation include, but are not limited to:

¹ The legal authority for the instant enforcement action may include additional authority not enumerated herein.

- (a) Falsification or counterfeiting of an official document;
- (b) Knowingly accepting falsified, counterfeit, or duplicated official documents;
- (c) Making a false, misleading, deceptive, or materially incomplete statement, written or oral, to the Commission or a Commission representative or on an application or in a communication to the Commission or Commission representative....

511.6 An owner, agent, or employee of a taxicab company, association, or fleet or his or her representative or affiliate shall not file with the Commission a statement that he or she knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

517.1 The owners of a taxicab company, association, or fleet shall supervise and be responsible for the conduct of all its employees, affiliates, contractors, and agents. The conduct for which each owner shall be responsible includes ensuring that the taxicabs of the company, association, or fleet are:

- (a) Operated with all proper licenses;
- (b) Operated with all proper insurance;
- (c) Operated in a safe and operational manner at all times...

609.6 No vehicle shall be placed into service if:

- (a) It would have one (1) year or less prior to retirement under § 609.4;
- (b) It has been driven more than one hundred thousand (100,000) miles, regardless of whether it has previously been used as a public vehicle-for-hire; or
- (c) It has been salvaged or rebuilt.

707.1 The Office may order the immediate suspension of a license other than a license allowing an individual to operate a public vehicle-for-hire whenever the Office has reasonable grounds to believe the respondent poses an imminent danger to the public. (Emphasis supplied).

- 707.2 A determination under § 707.1 shall be based on evidence that the respondent:
- (a) Has committed a *willful* or repeated violation of any provision of this title or other applicable law which carries a civil penalty of at least five hundred dollars (\$500) for the current or most recent violation or for which license suspension is stated as an available civil penalty;
 - (b) Has allowed or suborned activity by another person which would provide a ground for such person's suspension or revocation under this chapter; or
 - (c) Poses an imminent or significant threat to the health or safety of passengers, operators, or the public, consumer protection, or passenger privacy. (Emphasis supplied).
- 708.2 Proposed revocation. The Office may issue a notice of proposed revocation of a license issued under this title based on any of the following grounds:
- (a) The respondent's license is currently, or was previously, suspended under § 706, § 707, or § 708.1;
 - (b) The respondent has committed substantial or repeated acts that constitute grounds for immediate suspension under § 706.2 or § 707.2, without regard to whether the Office has issued an order of immediate suspension;
 - (c) The respondent has committed *substantial* or repeated acts that constitute grounds for proposed suspension under § 708.1;
 - (d) A determination that a basis for revocation exists pursuant to a provision.... (Emphasis supplied).
- 816.1 No operator of a public vehicle for hire, while performing duties and responsibilities as a licensed operator, shall commit or attempt to commit, alone or in concert with another, an act of fraud, misrepresentation, or larceny.

APPEALS (RIGHTS AND PROCEDURES)

YOU HAVE THE RIGHT TO APPEAL ANY OR ALL OF THE ABOVE-REFERENCED ORDERS OF IMMEDIATE SUSPENSION AND ANY OR ALL OF THE ABOVE-REFERENCED NOTICES OF PROPOSED REVOCATION.

Orders of Immediate Suspension: You are entitled to request a preliminary hearing on each immediate suspension before OAH within three (3) business days of service of this

Order. At the preliminary hearing, either party may request an evidentiary hearing on each Order of Immediate suspension in this notice. If a party requests an evidentiary hearing, OAH shall hold the evidentiary hearing within fifteen (15) calendar days of service of the Order on the respondent. You may contact OAH at 441 4th St., N.W., Suite 450 North, Washington, D.C. 20001, by phone (202-442-9094), or online (www.oah.dc.gov) to learn the time and date when the hearing will be held. Your request for a hearing shall not stay, suspend, or delay the effective period or enforcement of the Order. Your failure to appear for the hearing may result in the forfeiture of your right to any further appeal related to this Order. Your failure to request a hearing within the time provided shall result in the forfeiture of any right to appeal this Order.

Notices of Proposed Revocations: You are entitled to request a hearing on each proposed revocation before OAH within thirty (30) calendar days of service of this Notice. You may contact OAH at 441 4th St., N.W., Suite 450 North, Washington, D.C. 20001, by phone (202-442-9094), or online (www.oah.dc.gov) to learn the time and date when the hearing will be held. Your request for a hearing shall not stay, suspend, or delay the effective period or enforcement of the Order. Your failure to appear for the hearing may result in the forfeiture of your right to any further appeal related to this Order. Your failure to request a hearing within the time provided shall result in the forfeiture of any right to appeal this Order. If you fail to file an appeal of a Notice of Proposed Revocation within thirty (30) calendar days, the proposed revocation shall become final.

Very truly yours,

D.C. OFFICE OF TAXICABS

By: _____



ERNEST CHRAPPAH
Chief