

MARYLAND STATE POLICE

TO: MEMO TO STATION FILE #4022 DATE: March 3, 2008

FROM: Capt. Robert F. Bambarly, Commander, Automotive Safety Enforcement Division

CC:

- For your information
- As requested
- Approve and return
- Note and return
- See me

- Take charge of
- For additional information
- For comment/recommendation
- Give me facts so I can answer
- Prepare reply for my signature

RE: REINSTATEMENT OF HILLTOP FLEET SERVICES

In 2003, the following four violations were sustained against the Hilltop Fleet Services station license and all inspection mechanics' registrations employed by the station. The imposed administrative action of revocation was upheld by the State's Office of Administrative Hearings and subsequently by the Circuit Court of Prince George's County in 2004.

- 1) COMAR 11.14.01.04 A(1) Misrepresentation or falsification of facts (multiple counts);
- 2) COMAR 11.14.01.04 A(4) Issuing an inspection certificate for a vehicle without having inspected its equipment (multiple counts);
- 3) COMAR 11.14.01.04 A(9) Making, issuing, or knowingly using any fictitious inspection certificate or repair order certification (multiple counts);
- 4) COMAR 11.14.01.04 A(10) Attaching, causing to be attached, or permitting to be attached to any vehicle an inspection certificate knowing it to be fictitious or issued without the equipment having been inspected for compliance with Transportation Article, Title 23, Subtitle 1, Annotated Code of Maryland (multiple counts).

Since that time, the owners, James Lonnie Wilson and Howard Lafayette Coleman, reapplied for a station license and were denied on July 5, 2005, January 10, 2006, and July 9, 2007 based on their past record.

On December 12, 2007, the same owners submitted another application. The application was initially incomplete as it failed to include the fire inspection and zoning approval forms; however, these reports were subsequently submitted and received on January 2, 2008. An investigation was conducted and completed on January 30, 2008. The recommendation was that the station license be disapproved based on the past record of the station owner.

On January 20, 2008, I submitted a copy of the investigation, accompanied by a detailed report for Col. Sheridan's review and decision. I strongly recommended that the application be denied.

On February 6, 2008, I was contacted and spoke to Major Landon and Lt. Col. Lawrence regarding my opposition to approving Hilltop a license. They advised that they were in agreement with my decision; however, strong political pressure was being received from the Governor's Office to reinstate Hilltop Fleet Services to the vehicle safety inspection program. Senator Nathaniel Exum was the one pushing it. I was questioned as to what I would do if "ordered" to return them to the program. They were advised that I would not disobey an order, but it was wrong on all accounts, whether for political reasons or not.

Despite being told that Col. Sheridan was supporting my decision to disapprove the application, I was continually being directed by Major Landon to assist and direct Wilson to take the mechanic's examination. On two occasions, I was ordered to have personnel personally contact Wilson and explain procedures to him, which he should have known, and even indicated himself that he was aware of the regulations. Once Wilson was administered and passed the examination on February 15, 2008, I was directed to proceed with administering the demonstrative ability examination. Upon passing the demonstrative ability examination on February 25, 2008, I was ordered to issue Hilltop Fleet Services a vehicles safety inspection license.

On March 3, 2008 at 1159 hours, Hilltop Fleet Services was issued an inspection station license, sign, and fifty inspection certificates. They were officially licensed as an authorized licensed inspection facility for Class A vehicles.

The issuance of this license was in direct conflict with all standardized practices within the Division. I was able to show complaint cases where licensees/mechanics had been revoked for longer periods of time than Hilltop for the same violations (selling inspection certificates) but on a smaller scale.

Hilltop Fleet Services only served a REVOCATION for a period of four years, despite the station owner, Wilson, having shown a total disregard for public safety by selling hundreds to thousands of inspection certificates for monetary gain while licensed up until his emergency suspension in 2002. He has still failed to acknowledge any wrongdoing and/or shown any remorse for his actions. For violations of the magnitude committed by Hilltop Fleet personnel, all parties should have served a revocation period for a considerable longer period of time.

The reinstatement of Hilltop Fleet Services sets precedence within the Department/Division. How can anyone be revoked for a period longer than four years? It also opens the State of Maryland to liability issues. What does the MSP do when Hilltop Fleet Services commits an infraction or more seriously, what does the MSP do when a Hilltop Fleet Service reportedly inspected vehicle fails mechanically and seriously injures or kills someone?