

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
Civil Division

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**DISTRICT OF COLUMBIA,**  
a municipal corporation,  
441 Fourth Street, N.W.,  
Washington, D.C. 20001,

Plaintiff,

v.

**BATES TRUCKING CO. INC.,**  
4305 48th Street  
Bladensburg, MD 20710,

*Serve:*  
**C T CORPORATION SYSTEM,**  
1015 15th Street., N.W.  
Suite 1000  
Washington, D.C. 20005,

**BRUCE BATES,**  
8627 Leslie Avenue  
Glen Arden, MD 20706,

Defendants.

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Civil Action No.: **2020 CA 003145 B**

**COMPLAINT**

The District of Columbia (the District) brings this action against defendants Bates Trucking Co. Inc. and Bruce Bates under D.C. Code §§ 47-2851.02 and 47-2851.03d, 17 DCMR § 3800.1 and 20 DCMR § 2806.2, for operating an unlicensed solid waste collection business. In support of its Complaint, the District alleges as follows:

## **Jurisdiction**

1. This Court has subject matter jurisdiction over this case under D.C. Code § 11-921.

2. This Court has personal jurisdiction over defendants under D.C. Code § 13-423(a)(1) because defendants transact business in the District.

## **Parties**

3. The District of Columbia (the District), a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. *See* D.C. Code § 1-301.81(a)(1).

4. Bates Trucking Co. Inc. (Bates Trucking) is a solid waste collection company with its primary place of business in the state of Maryland. Bates Trucking transacts business in the state of Maryland, the state of Virginia and the District of Columbia. According to the company's website, "there are four (4) locations, serving Prince George's, Montgomery, Anne Arundel and Eastern Shore MD, Northern VA, and the District of Columbia." Bates Trucking, Our History, available at: <https://www.batestrucking.com/why-choose-us/our-history/> (last visited Jul. 13, 2020).

5. Bruce Bates is the president of Bates Trucking. According to his biography on the company's website, he "took control of the company in the late 1980's and aggressively established an impressive fleet of trucks, expanding and diversifying the business services to include a large residential and recycling foundation, as well as commercial and government services." *Id.*

**Defendants Operate Unlawfully Without  
Business and Solid Waste Vehicle Licenses**

6. Business owners operating within the District must have a Basic Business License (BBL). Specifically, "[a] person which is required under law to obtain a license served upon in the form of an endorsement to engage in a business in the District of Columbia shall not engage in such business in the District of Columbia without having first obtained a [BBL] and any necessary endorsements[.]" D.C. Code §§ 47-2851.02(a) and 47-2851.03d.

7. The Department of Consumer and Regulatory Affairs (DCRA) is the agency charged with issuing a BBL and endorsement for the business activity. *See* D.C. Code § 47-2851.05(a).

8. Under District regulations, "no person shall engage in commercial collection and transportation of solid wastes by vehicle, in or through the District, without first having obtained a collector's [business] license and a collection vehicle license for each vehicle so used." 21 DCMR § 710.1.

9. On March 9, 2016, Bates Trucking obtained a BBL with an endorsement for Solid Waste Collection—license number 39901735—for the period of March 1, 2016 to February 28, 2018, to collect refuse.

10. When the license expired, Bates Trucking continued to conduct solid waste collection activities in the District.

11. On October 19, 2018, DCRA served an employee of Bates Trucking with a notice revoking three solid waste vehicle licenses. The revocation took effect 15 days calendar days from the date of service.

12. Defendants continue to operate unlawfully and conduct business in the District with revoked licenses.

#### **Defendants Violate District Trash Collection Regulations**

13. Under District regulations, “no person shall operate or permit the operation of any refuse collection vehicle in, or within three hundred (300) feet of, any residential ... zone at nighttime on any day of the week.” 20 DCMR § 2806.2. Nighttime is defined as “the hours from 9:00 p.m. to 7:00 a.m.” 20 DCMR § 2799.1.

14. Defendants operate unlawfully during prohibited hours.

15. Bates Trucking operated before 7:00 a.m. at 1519 17th Street, N.W., Washington, D.C. on the following dates: December 19, 2019; January 5, 2020; January 12, 2020; January 19, 2020; January 26, 2020; and January 28, 2020.

16. Bates Trucking operated before 7:00 a.m. at 1301 Vermont Avenue, N.W., Washington, D.C. on February 14, 2020.

## **Defendants Failed to Pay Thousands of Dollars in Fines, Penalties and Interests**

17. The Civil Infractions Act of 1985 (the Act) provides for “the imposition of civil fines and other sanctions for infractions of certain District of Columbia laws and regulations, to establish a uniform and expeditious adjudicative system with respect to the infractions[.]” D.C. Code § 2-1801.01 *et seq.* “Infraction” means “any act or failure to act for which a civil sanction may be imposed under the provisions of this chapter[.]” D.C. Code § 2-1801.02(2). Sanctions for infractions under the Act include “monetary fines, penalties[.]” D.C. Code § 2-1801.03(b)(3).

18. Since April 2014, Bates Trucking incurred infractions resulting in fines, penalties and interests totaling \$131,171.09.

19. On November 5, 2013, DCRA issued Notice of Infraction (NOI) S703189 to Bates Trucking for refuse collection in a residential zone at night in violation of 20 DCMR § 2806.2. On February 11, 2014, DCRA served the NOI on Bates Trucking and imposed a fine of \$1,000. On April 18, 2014, the Office of Administrative Hearings (OAH) issued a final order affirming a fine and penalty of \$3,000. This \$3,000 is still outstanding and has accrued \$3,300 in interest as of June 30, 2020, totaling \$6,330.

20. On November 22, 2013, DCRA issued NOI S703213 to Bates Trucking for refuse collection in a residential zone at night in violation of 20 DCMR § 2806.2. On April 3, 2014, DCRA served the NOI on Bates Trucking and imposed a fine of \$1,000. On July 18, 2014, OAH issued a final order affirming a fine and penalty of \$3,000. This \$3,000 is still outstanding and has accrued \$3,195 in interest as of June 30, 2020, totaling \$6,195.

21. On March 24, 2015, DCRA issued NOI S703455 to Bates Trucking for refuse collection in a residential zone at night in violation of 20 DCMR § 2806.2. On May 20, 2015, the DCRA served the NOI on Bates Trucking and imposed a fine of \$1,000. On September 15, 2015, OAH issued a final order affirming a fine and penalty of \$3,000. This \$3,000 is still outstanding and has accrued \$2,565 in interest as of June 30, 2020, totaling \$5,565.

22. On March 27, 2016, DCRA issued NOI S703824 to Bates Trucking for refuse collection in a residential neighborhood at night in violation of 20 DCMR § 2806.2. On July 26, 2016, DCRA served the NOI on Bates Trucking and imposed a fine of \$1,000. On October 19, 2016, OAH issued a final order affirming a fine and penalty of \$3,000. This \$3,000 is still outstanding and has accrued \$1,980 in interest as of June 30, 2020, totaling \$4,980.

23. On October 5, 2016, DCRA issued NOI S703935 to Bates Trucking for refuse collection in a residential neighborhood at night in violation of 20 DCMR § 2806.2. On December 21, 2016, DCRA served the NOI and imposed a fine of \$1,000. On January 30, 2017, OAH issued a final order affirming a fine and penalty of \$1,000. This \$1,000 is still outstanding and has accrued \$615 in interest as of June 30, 2020, totaling \$1,615.

24. Between September 2, 2016 and September 30, 2016, DCRA issued four NOIs to Bates Trucking for refuse collection in a residential neighborhood at night in violation of 20 DCMR § 2806.2: S703913 (\$1,000 fine), S703914 (\$1,000 fine), S703933 (\$1,000 fine) and S703934 (\$1,000 fine). On January 5, 2017, DCRA served

the NOIs on Bates Trucking and imposed a \$4,000 fine. OAH consolidated these cases and on February 8, 2017, issued a final order affirming a fine and penalty of \$12,000 after Bates Trucking failed to answer the NOIs. This \$12,000 is still outstanding and has accrued \$7,200 in interest as of June 30, 2020, totaling \$19,200.

25. On October 14, 2016, DCRA issued NOI S703937 to Bates Trucking for refuse collection in a residential neighborhood at night in violation of 20 DCMR § 2806.2. On December 21, 2016, DCRA served the NOI on Bates Trucking and imposed a fine of \$1,000. On February 22, 2017, OAH issued a final order affirming a fine and penalty of \$1,000. This \$1,000 is still outstanding and has accrued \$600 in interest as of June 30, 2020, totaling \$1,600.

26. On October 5, 2016, DCRA issued NOI S704011 to Bates Trucking for refuse collection in a residential zone at night in violation of 20 DCMR § 2806.2. On May 12, 2017, DCRA served the NOI on Bates Trucking and imposed a fine of \$1,000. On July 5, 2017, OAH issued a final order affirming a fine and penalty of \$3,000. This \$3,000 is still outstanding and has accrued \$1,575 in interest as of June 30, 2020, totaling \$4,575.

27. Between December 5, 2017 and April 4, 2018, DCRA issued eight NOIs to Bates Trucking for solid waste collection service without a license in violation of 47 DCMR § 2851.02(a) and for refuse collection in a residential zone at night in violation of 20 DCMR § 2806.2: S704923 (\$2,034 fine), S704955 (\$2,000 fine), S704958 (\$2,000 fine), S704959 (\$3,051 fine), S705004 (\$4,068 fine), S705008 (\$4,068 fine), S705031 (\$2,034 fine) and S705032 (\$2,034 fine). Between August 28, 2018 and

October 15, 2018, DCRA served the NOIs on Bates Trucking and imposed a \$21,289 fine. OAH consolidated these cases and on December 10, 2018, issued a final order affirming a fine and penalty of \$63,867. This \$63,867 remains outstanding and has accrued \$17,244.09 in interest as of June 30, 2020, totaling \$81,111.09.

**COUNT I**  
**Unlawful Operation of a Solid Waste Collection**  
**Business Without a Properly Endorsed Basic Business License**  
**(D.C. Code § 47-2851.02(a))**

28. Paragraphs 1 through 27 are realleged as if fully set forth here.

29. As described above, defendants are unlawfully operating a solid waste collection business in the District. When the BBL expired on February 28, 2018, Bates Trucking continued to conduct solid waste collection business activities. To date, Bates Trucking continues to operate without a BBL in the District, in violation of D.C. Code § 47-2851.02(a).



**COUNT II**  
**Unlawful Operation of a Solid Waste Collection**  
**Business During Prohibited Hours**  
**(20 DCMR § 2806.2)**

30. Paragraphs 1 through 29 are realleged as if fully set forth here.

31. As described above, defendants are unlawfully operating a solid waste collection business during prohibited hours in the District, in violation of 20 DCMR § 2806.2.

**COUNT III**  
**Violations of the Civil Infraction Act of 1985**  
**(D.C. Code § 2-1801.01 *et seq.*)**

32. Paragraphs 1 through 31 are realleged as if fully set forth here.

33. As described above, Bates Trucking has violated District regulations and incurred infractions under the Act by operating a solid waste collection service without a license in violation of 47 DCMR § 2851.02(a), and operating a refuse collection service in a residential zone at night in violation of 20 DCMR § 2806.2. Since April 2014, Bates Trucking incurred fines, penalties and interests totaling \$131,171.09 for these violations.

**Prayer for Relief**

The District respectfully requests that judgment be entered in its favor and against defendants on its claims, and that this Court impose damages and penalties as follows:

(1) An order from the Court directing defendants to cease operation of all solid waste collection activity within the District, unless and until they obtain the appropriate Basic Business License with proper endorsements from DCRA;

(2) An order from the Court directing defendants to submit to the District a copy of their Basic Business License with proper endorsements, within five business days of issuance, by delivering a copy to Valerie Deal, Paralegal Specialist, Office of the Attorney General for the District of Columbia, 441 Fourth Street, N.W., Suite 630 South, Washington, D.C. 20001;

(3) An order from the Court directing defendants to pay fines, penalties and interests totaling \$131,171.09 to the District of Columbia;

(4) Such other and further relief as this Court deems appropriate based on the facts and applicable law.

Dated: July 16, 2020.

Respectfully submitted,

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