

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,118

IN THE MATTER OF:

Served August 18, 2009

ANGEL ENTERPRISE INC, Trading as        )  
THE ANGELS, Suspension and                )  
Investigation of Revocation of         )  
Certificate No. 1312                        )

Case No. MP-2009-049

This matter is before the Commission on respondent's application for reconsideration of Order No. 12,095, served July 17, 2009, which assessed a civil forfeiture against respondent and revoked Certificate No. 1312.

Certificate No. 1312 was rendered invalid on March 29, 2009, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,903, served March 31, 2009, noted the automatic suspension of Certificate No. 1312 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1312, and gave respondent thirty days to replace the terminated endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1312.<sup>1</sup>

Respondent paid the late insurance fee on April 23 and submitted a \$1.5 million primary WMATC Insurance Endorsement on May 15. The suspension was accordingly lifted in Order No. 12,001, but because the effective date of the new endorsement was April 24, 2009, instead of March 29, 2009, the order directed respondent to verify cessation of operations as of March 29, 2009, and corroborate with contemporaneous records, in accordance with Regulation No. 58-14. Respondent did not respond. Order No. 12,061, served June 26, 2009, accordingly directed respondent to show cause why the Commission should not assess a civil forfeiture against respondent and/or suspend or revoke Certificate No. 1312.

Respondent thereafter produced invoices showing that respondent did not cease operating on March 29. The Commission in turn found in Order No. 12,095, that there was no evidence in the record indicating respondent had contacted the Commission to ascertain whether the necessary WMATC Insurance Endorsement had been filed before continuing to operate on and after March 29, as required by Regulation No. 58-11.

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<sup>1</sup> The order also noted that respondent owed a 2009 annual report pursuant to Regulation No. 60-01 and a \$100 late fee pursuant to Regulation No. 67-03(a) for failing to file the annual report on or before February 2, 2009. Respondent subsequently tendered the report and associated late fee.

The Commission also found that the record showed respondent continued operating after receiving the Commission's cease and desist order on April 17.

Order No. 12,095 accordingly assessed a civil forfeiture of \$4,250 for seventeen days of unauthorized operations. All but \$1,200 was suspended in recognition of respondent's production of inculpatory records. Order No. 12,095 also assessed a forfeiture of \$250 for respondent's failure to timely produce the documents required by Order No. 12,001. Finally, Order No. 12,095 revoked Certificate No. 1312 because respondent had operated not only while suspended but while uninsured.

Respondent timely filed an application for reconsideration of Order No. 12,095 on July 22. The application is supported by timely payment of the \$1,450 net forfeiture on July 23 and timely filing on July 27 of a newly executed \$1.5 million primary WMATC Insurance Endorsement with a revised effective date of March 29, 2009.

Under Title II of the Compact, Article XIII, Section 4(a), an application for reconsideration of a Commission order must be filed within thirty days of its publication and state specifically the errors claimed as grounds for reconsideration.

Respondent summarily asserts that the Commission should not have assessed a forfeiture and revoked Certificate No. 1312, but respondent does not contest the Commission's findings in Order No. 12,095. Indeed, respondent admits receiving notice from the Commission that respondent's insurance had been cancelled, that the ensuing insurance filing was made late, and that there was a gap in coverage. Respondent does not contend that it stopped operating at anytime - including after receiving the Commission's cease and desist order. The application for reconsideration is therefore denied.

However, considering that respondent has timely paid the net forfeiture and closed the gap, we will reopen this proceeding on our own initiative and reinstate Certificate of Authority No. 1312,<sup>2</sup> subject to a one-year period of probation.<sup>3</sup>

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.

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<sup>2</sup> See *In re Westview Med. & Rehab. Servs., P.C. Inc.*, No. MP-07-070, Order No. 11,002 (Dec. 13, 2007) (same).

<sup>3</sup> See *id.* (same).

Executive Director