

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,119

IN THE MATTER OF:

Served August 18, 2009

SALWA SEEDAHMED, Trading as PANTIO )  
MEDICAL TRANSPORTATION, Suspension )  
and Investigation of Revocation of )  
Certificate No. 733 )

Case No. MP-2008-254

This matter is before the Commission on respondent's response to Order No. 12,041, served June 10, 2009, which directed respondent to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 733.

**I. BACKGROUND**

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 733 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 733 was rendered invalid on December 17, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,753, served December 17, 2008, noted the automatic suspension of Certificate No. 733 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 733, 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. 733.

Respondent submitted an acceptable \$1.5 million primary WMATC Insurance Endorsement on January 8, 2009, and paid the \$50 late insurance fee on February 6, 2009. The suspension was accordingly lifted in Order No. 11,826, served February 9, 2009, but because the effective date of the endorsement is December 30, 2008, instead of

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

December 17, 2008, the order directed respondent to verify cessation of operations as of December 17, 2008, in accordance with Regulation No. 58-14. And because respondent's only tariff is for service rendered to the general public, the order directed respondent to corroborate the verification with copies of her business records for the period beginning November 1, 2008, and ending February 9, 2009, also in accordance with Regulation No. 58-14. Respondent did not respond.

Order No. 12,041 thus gave respondent thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 733, for knowingly and willfully conducting operations under an invalid/suspended certificate of authority and failing to produce documents as directed.

## **II. RESPONSE TO ORDER NO. 12,041**

On July 15, 2009, respondent submitted what she describes as "samples" of "invoices" for the period December 17, 2008, to July 6, 2009. Respondent submitted no other documents, including no bank statements, even though the Commission had earlier specifically directed respondent to produce such records in Order No. 11,826.

Included among the July 15 "invoices" are records of several trips scheduled for performance during the suspension of Certificate No. 733. In two instances - one on December 24, 2008 and one on January 22, 2009 - the origin was a Sunrise Senior Living facility and the destination was the George Washington University Medical Faculty Associates (MFA) building at 2150 Pennsylvania Avenue, N.W., Washington, DC. Although the specific Sunrise facility is not identified, the Sunrise website<sup>3</sup> indicates that Sunrise operates several facilities in the Metropolitan District, including one in the District of Columbia and several in Northern Virginia, including Alexandria, Arlington County, Fairfax County, and Falls Church, among other places.

## **III. ORDER TO SHOW CAUSE**

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>4</sup> Each day of the violation constitutes a separate violation.<sup>5</sup>

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<sup>3</sup> <http://www.sunriseseniorliving.com/Home.do>.

<sup>4</sup> Compact, tit. II, art. XIII, § 6(f)(i).

<sup>5</sup> Compact, tit. II, art. XIII, § 6(f)(ii).

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.<sup>6</sup> The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by careless disregard whether or not one has the right so to act.<sup>7</sup>

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 733, for knowingly and willfully transporting passengers for hire between the MFA building and another point in the Metropolitan District while suspended on December 24, 2008, and January 22, 2009, and for knowingly and willfully failing to produce documents as directed.

THEREFORE, IT IS ORDERED:

1. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 733, for knowingly and willfully violating Article XI, Section 6(a), of the Compact, Regulation No. 58, and the orders issued in this proceeding.

2. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.  
Executive Director

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<sup>6</sup> *In re Westview Med. & Rehab. Servs., P.C. Inc.*, No. MP-07-070, Order No. 10,882 (Nov. 2, 2007); *In re Handi-Pro Transp., Inc.*, No. MP-07-060, Order No. 10,817 (Oct. 10, 2007); *In re Sydney Shuttle, LLC*, No. MP-07-064, Order No. 10,792 (Sept. 28, 2007).

<sup>7</sup> Order Nos. 10,882; 10,817; 10,792.