

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 12,233

IN THE MATTER OF:

Served November 20, 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 request for reconsideration of Order No. 12,135, served September 1, 2009, which assessed a \$750 civil forfeiture against respondent and revoked Certificate No. 733.

Order No. 12,135 assessed a \$500 forfeiture against respondent for operating on December 24, 2008, and January 22, 2009, while Certificate No. 733 was suspended. Order No. 12,135 also assessed a \$250 forfeiture against respondent for failing to produce documents as directed by Order No. 11,826. Order No. 12,135 revoked Certificate No. 733 based on a finding that respondent operated "not only while suspended but while uninsured."

Under the Compact, a party to a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration.<sup>1</sup> The Commission shall grant or deny the application within 30 days after it has been filed.<sup>2</sup> If the Commission does not grant or deny the application by order within 30 days, the application shall be deemed denied.<sup>3</sup>

Respondent takes issue with the Commission's finding that respondent operated while uninsured. A review of the record reveals no error in the Commission's finding at the time it was made. Respondent was uninsured from December 17, 2008, through December 29, 2008. Respondent does not dispute this. The Commission's finding that respondent operated during this period rests on an invoice produced by respondent for a trip on December 24, 2008. Respondent does not dispute this.

Respondent requests, however, that the Commission consider new evidence on reconsideration. Respondent alleges on reconsideration

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<sup>1</sup> Compact, tit. II, art. XIII, § 4(a).

<sup>2</sup> Compact, tit. II, art. XIII, § 4(b).

<sup>3</sup> Compact, tit. II, art. XIII, § 4(c).

that its clients were transported by taxicab during the period respondent was uninsured. As proof of the referrals, respondent has submitted a statement from the alleged taxicab driver and receipts for four trips, including one allegedly issued for the trip in question. We are not inclined to accept this new evidence at this late date given ample opportunity for respondent to produce it before the Commission made its decision<sup>4</sup> and no explanation of why it was not produced until now. We do not find the new evidence credible, in any event.

Respondent's records show that the four trips at issue were conducted between a residential facility for senior citizens in the District of Columbia and a medical building in the District of Columbia. The four receipts are each marked "Round Trip + Waiting Time" or variation thereof. The time of issuance entered on each receipt corresponds to the precise time each passenger was scheduled to arrive for his/her medical appointment as reflected in respondent's records. It does not make sense to issue a receipt in the middle of a round trip. In addition, the receipts indicate that the taxicab driver allegedly charged the same \$110 fare for round trip travel "plus waiting time" in each instance. Considering that these passengers were being transported to and from medical appointments, it is simply not believable that all four trips would incur exactly the same amount of waiting time.

THEREFORE, IT IS ORDERED: that the application for reconsideration is denied; and this proceeding is hereby terminated.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.  
Executive Director

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<sup>4</sup> The proffer should have been made no later than September 17, 2009, in response to Order No. 12,119, served, August 18, 2009, which gave respondent thirty days to show cause why a civil forfeiture should not be assessed and why Certificate No. 733 should not be revoked. See *In re Double Decker Bus Tours, W.D.C., Inc.*, No. AP-95-21, Order No. 4730 at 4 (Jan. 4, 1996) (rejecting request to raise new issue on reconsideration).