

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 15,610

IN THE MATTER OF:

Served May 27, 2015

TO FAX INC, Suspension and)
Investigation of Revocation of)
Certificate No. 1588)

Case No. MP-2012-111

TO FAX INC, Suspension and)
Investigation of Revocation of)
Certificate No. 1588)

Case No. MP-2014-019

This matter is before the Commission on respondent's response to Order No. 15,199, served November 14, 2014, assessing a \$250 civil forfeiture against respondent and revoking Certificate No. 1588. Respondent has paid the forfeiture and filed a motion to vacate Order No. 15,199.

Under Article XIII, Section 4, of the Compact, a party 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.¹ The application must state specifically the errors claimed as grounds for reconsideration.² The Commission must grant or deny the application within 30 days after it has been filed.³ If the Commission does not grant or deny the application by order within 30 days, the application shall be deemed denied.⁴ If the application is granted, the Commission shall rescind, modify, or affirm its order or decision with or without a hearing, after giving notice to all parties.⁵ Filing an application for reconsideration may not act as a stay upon the execution of a Commission order or decision, or any part of it, unless the Commission orders otherwise.⁶

"The thirty-day statutory deadline is mandatory and may not be waived."⁷ The motion to vacate was filed on February 5, 2015, well

¹ Compact, tit. II, art XIII, § 4(a).

² Compact, tit. II, art XIII, § 4(a).

³ Compact, tit. II, art XIII, § 4(b).

⁴ Compact, tit. II, art XIII, § 4(c).

⁵ Compact, tit. II, art XIII, § 4(d).

⁶ Compact, tit. II, art XIII, § 4(e).

⁷ *In re National Children's Center, Inc.*, No. MP-04-12, Order No. 8149 (July 9, 2004).

past the 30-day deadline for seeking reconsideration.⁸ The motion lacks sufficient support, in any event.

Certificate of Authority No. 1588 was revoked for respondent's willful failure to comply with the Commission's insurance regulation, Regulation No. 58, and the orders issued in these proceedings. The forfeiture was assessed for respondent's knowing and willful failure to produce copies of certain business records.

Respondent's insurance had lapsed for 23 days from December 12, 2012, to January 4, 2013, and again for 60 days from January 4, 2014, to March 5, 2014, causing the automatic suspension of Certificate No. 1588 each time. The first suspension lasted until February 7, 2013. The second lasted until March 24, 2014.

In accordance with Regulation No. 58-14, Order Nos. 13,731 and 14,654 directed respondent to produce copies of its business records for the period October 1, 2012 through February 7, 2013, and for the period November 1, 2013 through March 24, 2014, respectively, in order to substantiate that respondent did not operate while uninsured or suspended.

Even counting what few documents respondent has submitted in support of its motion, respondent has yet to produce any records for January and February 2013, in response to Order No. 13,731, and respondent has yet to produce any records dated after January 2, 2014, in response to Order No. 14,654. In addition, the records that have been produced consist mostly of what appear to be computer printouts of names, numbers, and addresses arranged in a tabular format but without column and row headings to explain the meaning of what is displayed. Consequently, the printouts lack probative value.

The motion therefore is denied.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS BRENNER, HOLCOMB, AND DORMSJO:



William S. Morrow, Jr.
Executive Director

⁸ Under Rule No. 7-01 respondent had until December 14, 2014, to seek rescission.