

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,074

IN THE MATTER OF:

Served December 23, 2015

ANTHONY PA, Trading as LIMO PRIMO)
SERVICES, Suspension and)
Investigation of Revocation of)
Certificate No. 2484)

Case No. MP-2014-127

This matter is before the Commission on respondent's failure to respond to Order No. 15,747, served July 17, 2015.

I. BACKGROUND

Certificate No. 2484 was automatically suspended on August 17, 2014, pursuant to Regulation No. 58-12, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 14,999, served August 18, 2014, noted the automatic suspension of Certificate No. 2484, directed respondent to cease transporting passengers for hire under Certificate No. 2484, and gave respondent 30 days to replace the terminated endorsement and pay the \$100 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 2484.

Respondent failed to respond, and Certificate No. 2484 was revoked on October 28, 2014, in Order No. 15,163. The certificate was later reinstated on December 30, 2014, in Order No. 15,263, following respondent's request for reconsideration on November 10, 2014, which was supported by the necessary WMATC Insurance Endorsement and payment of the \$100 late fee.

However, because the effective date of respondent's replacement WMATC Endorsement was November 7, 2014, instead of August 17, 2014, the reinstatement order gave respondent until January 29, 2015, to submit a written statement verifying cessation of operations as of August 17, 2014, and produce copies of respondent's pertinent business records from July 1, 2014, to December 30, 2014, in accordance with Regulation No. 58-14(a). Respondent did not respond.

Pursuant to Regulation No. 58-14(b), Order No. 15,747 gave respondent until August 17, 2015, to show cause why the Commission should not assess a civil forfeiture for respondent's failure to produce documents.¹ Respondent has yet to respond.

¹ In the meantime, Certificate No. 2484 was revoked for respondent's willful failure to maintain compliance with the Commission's insurance requirements, once again. *In re Anthony Pa, t/a Limo Primo Servs.*, No. MP-15-032, Order No. 15,493 (Apr. 9, 2015).

II. ASSESSMENT OF FORFEITURE

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.²

The term "knowingly" means with perception of the underlying facts, not that such facts establish a violation.³ The terms "willful" and "willfully" do not mean with evil purpose or criminal intent; rather, they describe conduct marked by intentional or careless disregard or plain indifference.⁴

Because respondent has failed to produce the business records required by Regulation No. 58-14(a) and Order No. 15,263, and because respondent has offered no explanation for this failure, we find that respondent has failed to show cause why the Commission should not assess a civil forfeiture of \$250.⁵

THEREFORE, IT IS ORDERED:

1. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against respondent in the amount of \$250 for knowingly and willfully violating Regulation No. 58-14(a) and Order No. 15,263.

2. That respondent is hereby directed to pay to the Commission within 30 days of the date of this order, by money order, certified check, or cashier's check, the sum of two hundred fifty dollars (\$250).

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



William S. Morrow, Jr.
Executive Director

² Compact, tit. II, art. XIII, § 6(f).

³ *In re Car Plus Transportation LLC*, No. MP-14-099, Order No. 15,592 (May 15, 2015).

⁴ *Id.*

⁵ See *id.* (assessing \$250 for failing to produce documents).