

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 6973

IN THE MATTER OF:

Served December 23, 2002

Investigation of Unauthorized)
Operations of AMR/SIGNATURE)
TRANSPORTATION SERVICES, INC.)

Case No. MP-2002-49

This investigation was initiated on June 27, 2002, in Order No. 6720. The order required respondent to produce by July 27, 2002, any and all records in its possession, custody or control relating to operations in the Metropolitan District during the period from January 1, 2000, to June 27, 2002.

On July 31, 2002, respondent filed an application for a certificate of authority instead of the documents specified in Order No. 6720. The application did not meet the Commission's filing requirements and was rejected on August 14, 2002. The rejection letter advised respondent how to correct the errors that caused the rejection.

Later, upon respondent's request, the Commission extended the July 27, 2002, deadline to October 25, 2002, in Order No. 6803, served September 18, 2002. The Order cautioned that no further extensions would be granted.

On October 30, 2002, respondent requested further extension of the deadline until November 8, 2002. Respondent has yet to file any documents responsive to Order No. 6720 and has yet to resubmit a corrected application for operating authority.

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.¹ Each day of the violation constitutes a separate violation.²

¹ Compact, tit. II, art. XIII, § 6(f)(i).

² 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.³ The term "willfully" does not mean with evil purpose or criminal intent; rather, it describes conduct marked by careless disregard whether or not one has the right so to act.⁴ Employee negligence is no defense.⁵

Respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for failing to comply with Order No. 6720.

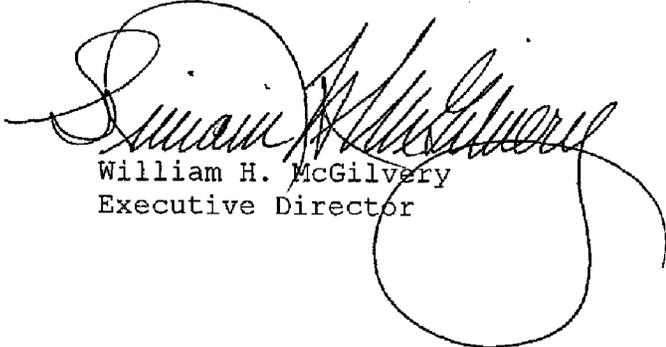
THEREFORE, IT IS ORDERED:

1. That respondent shall cease performing, and holding itself out to perform, transportation services requiring a WMATC certificate of authority.

2. That respondent shall have thirty days to show cause why the Commission should not assess a civil forfeiture against respondent for knowingly and willfully violating Commission Order No. 6720.

3. That respondent may file within 15 days from the date of this order a 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 YATES, MILLER, AND MCDONALD:



William H. McGilvery
Executive Director

³ In re Washington Exec. Sedan, Inc., & Global Express Limo. Serv., Inc., No. MP-02-03, Order No. 6772 (Aug. 13, 2002).

⁴ Id.

⁵ Id.