

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 7085

IN THE MATTER OF:

Served March 10, 2003

PARA-MED MEDICAL TRANSPORTATION, )  
INC., WMATC No. 206, )  
Investigation of Violation of )  
Regulation No. 61 )

Case No. MP-2002-50

Order No. 7012, served January 24, 2003, assessed a civil forfeiture against respondent in the amount of \$500 for knowingly and willfully violating Commission Regulation No. 61 and Commission Order No. 6721 and directed respondent to pay that sum by money order, certified check, or cashier's check, within thirty days.

On February 24, 2003, respondent filed a request for an extension of time to present its argument as to why it should not be required to pay the forfeiture.

Under Title II of the Compact, Article XIII, Section 4(a), 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. The thirty-day deadline is statutory and may not be waived.<sup>1</sup> Accordingly, the request must be denied.

The request indicates, in any event, that respondent would argue that it did not intend to violate the regulation and order. As explained in Order No. 7012, the term "knowingly" means with perception of the underlying facts, not that such facts establish a

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<sup>1</sup> In re Capitol Bus Rental, Inc., t/a Capitol Tours, No. MP-95-04, Order No. 4694 (Nov. 9, 1995); In re Atwood's Transport Lines, Inc., No. 389, Order No. 1730 (Aug. 5, 1977) (on reconsideration); In re Atwood's Transport Lines, Inc., No. 258, Order No. 1327 (May 14, 1974) (on reconsideration); In re Washington, Va. & Md. Coach Co., No. 72, Order No. 819 (May 21, 1968) (on reconsideration); In re D.C. Transit Sys., Inc., No. 131, Order No. 705 (Apr. 27, 1967), appeal dismissed per curiam, sub nom., Powell v. WMATC, No. 20,939, order (D.C. Cir. June 1, 1967); In re D.C. Transit Sys., Inc., Order No. 672 (Feb. 7, 1967), aff'd on reconsideration, Order No. 686 (Mar. 13, 1967), aff'd per curiam, No. 20,899, slip op. (D.C. Cir. Jan. 29, 1968).

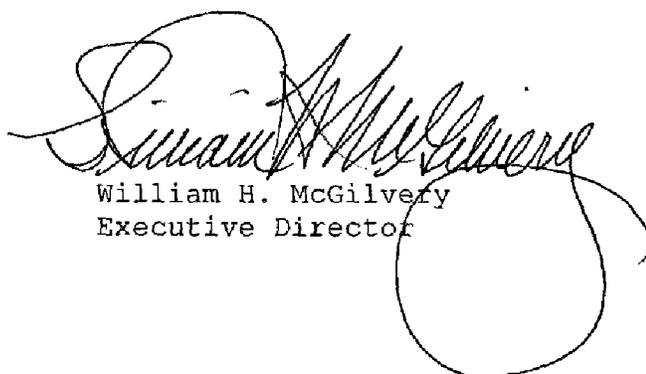
violation.<sup>2</sup> The term "willfully" does not mean with evil purpose or criminal intent; rather, it describes conduct marked by careless disregard whether or not one has the right so to act.<sup>3</sup> To hold carriers not liable for penalties where violations are due to mere indifference, inadvertence or negligence would defeat the purpose of the statute.<sup>4</sup>

THEREFORE, IT IS ORDERED:

1. That the request for an extension of time for presenting argument in opposition to the assessment of civil forfeiture in Order No. 7012 is denied.

2. That respondent is hereby directed to comply immediately with the requirement in Order No. 7012 that respondent pay to the Commission, by money order, certified check, or cashier's check, the sum of five hundred dollars (\$500).

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND MCDONALD:



William H. McGilvery  
Executive Director

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<sup>2</sup> In re Washington Exec. Sedan, Inc., & Global Express Limo. Serv., Inc., No. MP-02-03, Order No. 6772 (Aug. 13, 2002).

<sup>3</sup> Id.

<sup>4</sup> United States v. Illinois Cent. R.R., 303 U.S. 239, 244, 58 S. Ct. 533, 535 (1938).