

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 16,895

IN THE MATTER OF:

Served March 21, 2017

Application of US LIMO WORLD INC.)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2016-222

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

Article XI, Section 7(a), of the Washington Metropolitan Area Transit Regulation Compact¹ provides that the Commission shall issue a certificate of authority to any qualified applicant, authorizing all or any part of the transportation covered by the application, if the Commission finds that: (i) the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission; and (ii) the transportation is consistent with the public interest. An applicant must establish financial fitness, operational fitness, and regulatory compliance fitness.²

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

¹ Pub. L. No. 101-505, § 1, 104 Stat. 1300 (1990), amended by Pub. L. No. 111-160, 124 Stat. 1124 (2010) (amending tit. I, art. III).

² *In re Health Transp. Servs., LLC/Ring & Ride, LLC*, No. AP-13-317, Order No. 15,051 (Sept. 12, 2014); *In re Utour, LLC*, No. AP-11-026, Order No. 12,800 (Apr. 8, 2011); *In re Haymarket Transp., Inc.*, No. AP-08-181, Order No. 11,873 (Mar. 4, 2009).

Normally, such evidence would establish an applicant's fitness,³ but in this case applicant's CEO, Mr. Haider S. Ali, has a history of controlling a company - Washington DC Bus Charter LLC, t/a DC Limo World - with regulatory violations in 2011, and the record contains evidence of applicant's violation of Commission regulations while this application was pending in 2016.

I. DC LIMO WORLD'S VIOLATIONS IN 2011

In May 2011, the Commission found that on two separate occasions DC Limo World, which has never held WMATC operating authority, knowingly and willfully advertised on the internet, services requiring a WMATC certificate of authority, in violation of Commission Regulation No. 63-04(a), which provides as follows:

No carrier regulated by the Commission or subject to such regulation shall advertise or hold itself out (a) to perform transportation or transportation-related services within the Metropolitan District unless such transportation or transportation-related services are authorized by the Commission.

The Commission assessed a civil forfeiture against DC Limo World in the amount of \$250 for the first day (March 15, 2011) and \$500 for the second day (May 5, 2011).⁴ The amount of the forfeiture was doubled for the second day because by then, DC Limo World had received a cease and desist order from the Commission.⁵

At the time of the violations, Mr. Ali was the member/manager of record for DC Limo World and the administrative/technical contact of record for the offending website, www.dclimoworld.com.⁶

WMATC later obtained an injunction against DC Limo World on June 13 2012, and an award of \$370 in court costs on July 12, 2012, from the U.S. District Court for the District of Columbia.⁷

Mr. Ali formed a new corporation in 2015, DC Limo World Inc, and filed an application for WMATC operating authority on its behalf. The Commission denied the application citing the DC Limo World violations in 2011 and Mr. Ali's failure to correct them.⁸

³ *In re Et Tran, L.L.C.*, No. AP-16-151, Order No. 16,688 at 2 (Nov. 17, 2016); Order No. 15,051 at 2; Order No. 12,800 at 2; Order No. 11,873 at 3.

⁴ *In re Wash. DC Bus Charter LLC, t/a DC Limo World*, No. MP-11-025, Order No. 12,859 at 3 (May 16, 2011).

⁵ *Id.* at 3.

⁶ *In re DC Limo World Inc*, No. AP-15-207, Order No. 16,214 at 2-4 (Feb. 19, 2016).

⁷ *Id.* at 3.

⁸ *Id.* at 4-5.

II. APPLICANT'S VIOLATION IN 2016

The instant application was filed on December 28, 2016. The application identifies uslimoworld.com as the host for applicant's email accounts. Records obtained from the domain name registrar identify Mr. Ali as the registrant and administrative/technical contact for www.uslimoworld.com.

On December 28, 2016, the www.uslimoworld.com website identified applicant as a "full-scale transportation service provider" based in Washington, DC. The website advertised "Airport Transfer" service and service in connection with over 20 upcoming presidential inaugural events. The website indicated that applicant's fleet included vehicles ranging from sedans to stretch limos to party buses.

Based on the foregoing, we find that the service advertised on www.uslimoworld.com on December 28, 2016, required WMATC operating authority. Inasmuch as applicant has never held WMATC operating authority, we find that applicant violated Regulation No. 63-04(a) on December 28, 2016.

It bears noting that Mr. Ali acted promptly when this issue was brought to his attention. The record shows that WMATC staff advised Mr. Ali to disable the www.uslimoworld.com website until such time as applicant might be issued WMATC operating authority. WMATC staff also advised Mr. Ali to disable the www.dclimoworld.com website, which staff had discovered was automatically forwarding visitors to the www.uslimoworld.com website. The record shows that Mr. Ali promptly disabled the www.dclimoworld.com website and eliminated all offending advertising on the www.uslimoworld.com website.

III. 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.⁹

"Knowingly" means with perception of the underlying facts, not that such facts establish a violation.¹⁰ "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.¹¹ "To hold carriers not liable for penalties where the violations . . . are due to mere indifference, inadvertence, or negligence of employees would defeat the purpose of" the statute.¹²

⁹ Compact, tit. II, art. XIII, § 6(f).

¹⁰ Order Nos. 15,051 at 3; 12,800 at 3; 11,873 at 3.

¹¹ Order Nos. 15,051 at 3; 12,800 at 3; 11,873 at 3.

¹² *United States v. Illinois Cent. R.R.*, 303 U.S. 239, 243, 58 S. Ct. 533, 535 (1938).

Mr. Ali's awareness of (1) Regulation No. 63-04(a); (2) the Commission's prior orders discussing DC Limo World's use of the www.dclimoworld.com website to promote unlawful advertising in violation of Regulation No. 63-04(a); and (3) the court's injunction proscribing any future use of www.dclimoworld.com website to promote unlawful advertising in violation of Regulation No. 63-04(a); makes applicant's violation of Regulation No. 63-04(a) on December 28, 2016, knowing and willful.

We hereby assess a forfeiture of \$1,000 against applicant for advertising on December 28, 2016, passenger carrier service requiring WMATC operating authority, in violation of Regulation No. 63-04(a). We have doubled the forfeiture amount from the \$500 per day we assessed against applicant's affiliate for the same violation in May 2011 because apparently \$500 per day is not enough of a deterrent to dissuade companies controlled by Mr. Ali from engaging in such conduct.¹³

IV. LIKELIHOOD OF FUTURE COMPLIANCE

When an applicant or a person controlling an applicant has a record of violations, or a history of controlling companies with such a record, the Commission considers the following factors in assessing the likelihood of applicant's future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether the controlling party has made sincere efforts to correct past mistakes, and (5) whether the controlling party has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.¹⁴

Advertising WMATC service without a WMATC certificate of authority is a serious violation. Applicant's violation of Regulation No. 63-04(a) in December 2016 may be regarded as persistent given the track record of companies controlled by Mr. Ali, perhaps even flagrant, and there is no evidence of mitigating circumstances.

On the other hand, Mr. Ali recently paid the \$750 forfeiture assessed in Order No. 12,859 and the \$370 in court costs awarded by the court in 2012, which payments may be regarded as evidence of an effort to correct past mistakes.¹⁵

We further recognize that the Commission has approved applications in the past where the applicants violated Regulation

¹³ See *In re Skyhawk Logistics, Inc.*, No. AP-12-070, Order No. 14,181 at 4-5 (Aug. 23, 2013) (doubling forfeiture amount for repeat violation).

¹⁴ Order Nos. 16,688 at 2-3; 15,051 at 3-4; 12,800 at 3; 11,873 at 3-4.

¹⁵ *In re Better Bus. Connection, Inc., t/a BBC Express*, No. AP-15-107, Order No. 16,362 at 3 (May 17, 2016); *In re Addis Transp., Inc.*, No. AP-11-111, Order No. 13,114 at 6 (Jan. 10, 2012).

No. 63-04(a) but, as here, the record lacked evidence of any unauthorized operations.¹⁶

Upon payment of the forfeiture assessed herein, the record will support a finding of prospective compliance fitness, subject to a one-year period of probation.¹⁷

Therefore, based on the evidence in this record, and in consideration of the terms of probation and other conditions prescribed herein, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

THEREFORE, IT IS ORDERED:

1. That pursuant to Article XIII, Section 6(f), of the Compact, the Commission hereby assesses a civil forfeiture against applicant in the amount of \$1,000 for knowingly and willfully violating Regulation No. 63-04(a) on December 28, 2016.

2. That applicant is hereby directed to pay to the Commission within 30 days of the date of this order, by check or money order, the sum of one thousand dollars (\$1,000).

3. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3010 shall be issued to US Limo World Inc., 1717 Pennsylvania Avenue N.W., #1025, Washington, DC 20006-3951.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with

¹⁶ See Order No. 15,051 at 4 (approving application despite unauthorized display of WMATC markings); Order No. 12,800 at 4 (same); Order No. 11,873 at 4 (same); see also *In re Ruchman & Assocs., Inc., t/a RAI, Inc.*, No. AP-91-31, Order No. 3839 (Nov. 4) (premature operations corrected by immediate halt upon receipt of warning from WMATC), *aff'd*, No. AP-91-32, Order No. 3844 (Nov. 13, 1991).

¹⁷ See Order No. 15,051 at 4 (same) Order No. 12,800 at 4 (same); Order No. 11,873 at 4 (same).

jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

6. That applicant shall be placed on probation for a period of one year commencing with the issuance of a certificate of authority in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

7. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

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



William S. Morrow, Jr.
Executive Director