

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 17,611

IN THE MATTER OF:

Served May 10, 2018

Application of Z BEST LIMOUSINE ) Case No. AP-2018-023  
SERVICE, INC., for a Certificate of )  
Authority -- Irregular Route )  
Operations )

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. The application is unopposed.

Applicant was granted operating authority last year, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.<sup>1</sup> Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.<sup>2</sup>

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that 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.

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.

Normally, such evidence would establish an applicant's fitness,<sup>3</sup> but applicant's president and sole shareholder, Mert Onal,

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<sup>1</sup> See *In re Z Best Limo. Serv., Inc.*, No. AP-17-024, Order No. 16,886 (Mar. 16, 2017) (conditionally granting Certificate No. 3007).

<sup>2</sup> See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

<sup>3</sup> *In re US Limo World Inc.*, No. AP-16-222, Order No. 16,895 at 2 (Mar. 21, 2017); *In re Health Transp. Servs., LLC/Ring & Ride, LLC*, No. AP-13-317, Order No. 15,051 at 2 (Sept. 12, 2014).

was vice president and a 49% shareholder of Hire Quality, Inc., when it violated WMATC Regulation No. 63-04 after applying for WMATC operating authority in Case No. AP-2018-054 earlier this year.

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.<sup>4</sup>

The Commission applied the foregoing criteria to the violation at issue during the course of ruling on Hire Quality's application in Case No. AP-2018-054 and determined that upon Hire Quality's payment of a \$250 civil forfeiture, the record would support a finding of prospective compliance fitness, subject to a one-year period of probation.<sup>5</sup> Given Mr. Onal's control relationship with Hire Quality, issuance of authority to applicant shall be subject to a one-year period of probation, as well.<sup>6</sup>

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.<sup>7</sup>

In closing, applicant is admonished to keep its assets, books, finances and operations completely separate from those of Hire Quality. This decision should not be construed as permission to share revenue vehicles or operating authority.<sup>8</sup>

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<sup>4</sup> Order Nos. 16,895 at 4; 15,051 at 3-4.

<sup>5</sup> *In re Hire Quality, Inc.*, No. AP-18-054, Order No. 17,610 (May 10, 2018).

<sup>6</sup> See Order No. 16,895 (imposing probation based on affiliate's violations).

<sup>7</sup> In the absence of any evidence indicating that as of the date this application was filed, either applicant or Z Best Limousine Service was operating in the Metropolitan District or had a control relationship with a carrier operating in the Metropolitan District, this application is not subject to common control analysis under Article XII, Section 3, of the Compact. *In re Upscale Limo. Serv. LLC*, No. AP-08-142, Order No. 11,644 (Oct. 24, 2008) (citing *In re VIP Coach Servs., Inc., & White House Sightseeing Corp.*, No. AP-84-06, Order No. 2550 at 4-5 (May 1, 1984)).

<sup>8</sup> Order No. 11,644.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 3007 shall be issued to Z Best Limousine Service, Inc., 6809 Ritchie Highway, Glen Burnie, MD 21061-2301.

2. 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.

3. That applicant is hereby directed to file the following documents and present its revenue vehicle(s) for inspection 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 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.

4. 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, or any person controlling, controlled by, or under common control with 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.

5. 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 RICHARD, MAROOTIAN, AND HOLCOMB:



William S. Morrow, Jr.  
Executive Director