

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 19,386

IN THE MATTER OF:

Served June 3, 2021

Application of WINNERS TRANSPORT, )  
L.L.C., for a Certificate of ) Case No. AP-2021-023  
Authority -- Irregular Route )  
Operations )

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.

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. If the applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant for a certificate of authority must establish financial fitness, operational fitness, and regulatory compliance fitness.<sup>1</sup> A determination of compliance fitness is prospective in nature.<sup>2</sup> The purpose of the inquiry is to protect the public from those whose conduct demonstrates an unwillingness to operate in accordance with regulatory requirements.<sup>3</sup> Past violations do not necessarily preclude a grant of authority but permit the inference that violations will continue.<sup>4</sup>

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

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<sup>1</sup> *In re George Towne Trolley Tours & Transp. LLC*, No. AP-17-135, Order No. 17,335 (Dec. 5, 2017).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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>5</sup> but applicant's director and co-managing member, Oluwaseyi Adetola, has a history of controlling a carrier with regulatory violations.

#### **I. HISTORY OF VIOLATIONS**

Mr. Adetola was the owner of Global Connect LLC (Global), which held WMATC Certificate of Authority No. 3137 from March 9, 2018, to February 4, 2021, when it was revoked for Global's willful failure to maintain compliance with the Commission's insurance requirements in Regulation No. 58 and willful failure to pay a \$100 late fee in accordance with Regulation No. 67-03(c).<sup>6</sup>

The revocation order, Order No. 19,243, stipulated that the \$100 late fee along with Global's unpaid \$175 annual fee for 2021, unfiled annual report for 2021, and \$300 in associated late fees would remain due and directed Global to remove the identification markings from its vehicles, file an affidavit and supporting photographs verifying removal of those markings, and surrender Certificate No. 3137 within 30 days.

Global has yet to fully comply with the revocation order and resolve the other outstanding items noted in the order. Specifically, Global has yet to file a 2021 annual report and has failed to fully remove the vehicle identification markings from one or more of its vehicles.

#### **II. APPLICANT'S PRINCIPAL PLACE OF BUSINESS**

Regulation No. 68 requires that any person holding or applying for a certificate of authority shall keep its official address on file with the Commission at all times. "Such address shall be the actual street location of the person's principal place of business."

The street address listed by applicant in its application is associated with a virtual office service. According to the Alliance Virtual Offices website:

"This virtual office in Lanham, MD, provides a fantastic location for small businesses within just half an hour of Washington, D.C. . . . As a virtual office client, you can reserve on-site conference rooms by the hour and meet clients in a professional, staffed business environment. When working remotely, benefit from a great Lanham business address with mail forwarding, live call

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<sup>5</sup> *Id.*

<sup>6</sup> *In re Glob. Connect LLC*, No. MP-21-001, Order No. 19,243 (Feb. 4, 2021).

answering, a dedicated local phone number, and more. . . . Using your business's address for mail safeguards your household from unwelcome junk mail and keeps your home address private. Have your business mail sent to the address of your choice for the postal rate and a nominal service fee."<sup>7</sup>

In e-mail correspondence regarding this application, the Commission invited applicant to designate an alternate address as its principal place of business, or to file a lease or utility bill evidencing applicant's right to maintain an office at its stated business location. In response, applicant submitted a lease agreement between "Perfect Office Solutions, LLC," as landlord, and "Global Connect, LLC DBA Winner's Transport, LLC & Oluwaseyi Adetola," as tenant, dated July 31, 2018.

However, there are numerous discrepancies in the document submitted. First, the lease agreement submitted by applicant has not been signed by the landlord. Second, the lease is incomplete because it fails to include Exhibit A, a description of the premises to be leased. Third, the lease agreement was purportedly entered into on July 31, 2018, which is more than two years before applicant was formed, according to a certificate of good standing submitted by applicant from the Maryland Department of Assessments and Taxation (MDAT). Fourth, according to the MDAT website, Perfect Office Solutions, LLC, is not the owner of record of the building in question and there is no evidence of a sublease.

On the record before us, we are unable to conclude that applicant has complied with Regulation No. 68 by providing the Commission the actual street location of its principal place of business, i.e., the location where applicant maintains records on a permanent basis, receives clients, and performs ongoing activities in furtherance of the business.

### **III. 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.<sup>8</sup>

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<sup>7</sup> <https://www.alliancevirtualoffices.com/virtual-office/us/md/lanham/4500-forbes-blvd-4573> (last visited April 13, 2021).

<sup>8</sup> Order No. 17,335 at 2.

The failure of Global to maintain compliance with Regulation No. 58 and pay the late insurance fee was serious enough to warrant revocation of Certificate No. 3137. Furthermore, Global has yet to file a 2021 annual report and fully remove the identification markings from its vehicles.

The record does contain some evidence of efforts by Mr. Adetola to cause Global to correct its past mistakes. On February 7, 2021, Global paid the outstanding \$100 insurance late fee, the \$175 annual fee for 2021, and \$300 in late fees for failing to timely comply with the 2021 report and fee filing requirements. On March 3, 2021, Global surrendered Certificate No. 3137, as directed in Order No. 19,243. Also on March 3, 2021, Mr. Adetola filed an affidavit asserting that "I have removed from respondent's vehicle(s) the identification placed thereon pursuant to Commission Regulation No. 61."

But this effort to correct past mistakes is undermined by the fact that two accompanying photos contradict Mr. Adetola's affidavit and show that the vehicle identification markings were only partially removed. Although the unique carrier number assigned by the Commission to Global, 3137, has been removed from a vehicle, the acronym "WMATC" remains. By failing to remove the characters "WMATC" from its vehicles, Global has failed to fully comply with Order No. 19,243, and is in violation of Regulation No. 63-04, which prohibits a non-WMATC carrier from holding itself out, by advertisement or otherwise, as authorized to provide services requiring a WMATC certificate of authority.<sup>9</sup> This failure could lead the public to mistakenly conclude that Global continues to hold WMATC authority. We also note that only two corroborating vehicle photos were provided; one of a passenger side of a van and one of a driver side of a van. These two photos do not fully account for the five vehicles reported by Global on its most recently filed annual report, submitted in January 2020.

We find no evidence of mitigating circumstances.

#### **IV. CONCLUSION**

Applicant is controlled by a person with a history of regulatory violations. Some of those violations continue. The Commission has denied other applications in the past under similar circumstances.<sup>10</sup> Furthermore, applicant has failed to substantiate that the principal place of business address it listed in its application is in fact the location where it carries on its business operations, as required by

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<sup>9</sup> See *In re Utour, LLC*, No. AP-11-026, Order No. 12,800 (Apr. 8, 2011) (assessing \$250 civil forfeiture for violating Regulation No. 63-04(a) where former carrier had removed the four-digit carrier identifying number from its vehicles but left the characters "WMATC#").

<sup>10</sup> See *In re Rolifa Inc.*, No. AP-05-172, Order No. 9376 (Mar. 6, 2006) (denying application by applicant under common control with previously revoked WMATC carrier).

Regulation No. 68. On this record, we cannot say that applicant has carried its burden of establishing regulatory compliance fitness.

THEREFORE, IT IS ORDERED: that the application of Winners Transport, L.L.C., for a certificate of authority, irregular route operations, is hereby denied without prejudice.

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



Jeffrey M. Lehmann  
Executive Director