



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0608-C-25-L

IN THE MATTER OF THE CITATION OF LINWOOD O.
HURDLE DBA ODIE ONE SHUTTLE.

Final Decision

February 2 , 2007

I. INTRODUCTION

A. Background

By citation dated December 28, 2006, issued by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Linwood O. Hurdle dba Odie One Shuttle (hereinafter "respondent"), and holder of Livery Permit Number 2510, was ordered to come before the department to answer the allegations made therein.

Pursuant to said citation, the respondent was directed to appear at the Newington office of the Department of Transportation to show cause why Livery Permit Number 2510, issued for the operation of intrastate livery service and for the registration of interstate livery service, should not be suspended or revoked or a civil penalty imposed for violation of its permit issued pursuant to Connecticut General Statutes Section 13b-102, et seq.

More specifically, it is alleged that the respondent violated its permit as issued pursuant to Connecticut General Statutes Sections 12b-102 and 13b-103(a) by failing to maintain a motor vehicle in general livery service and for failing to register a vehicle for interstate livery service since March 31, 2005, for which authority was requested and issued.

The citation was served upon the respondent by first class and certified mail and recited the department's reasons for issuing same.

B. Hearing

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on January 30, 2007.

Notice of the citation and the hearing to be held thereon was given to the respondent and to such other parties as required by Connecticut General Statutes Sections 13b-103(a) and 4-182(c), as amended.

The hearing on this matter was conducted by a hearing officer designated by the Commissioner of Transportation, pursuant to Section 13b-17 of the Connecticut General Statutes.

C. Appearances

The respondent failed to appear for the instant hearing. The respondent's mailing address is 59 Bonner Street, Stamford, Connecticut.

Eugene Morris, transportation inspector with the Regulatory and Compliance Unit of the department, presented the evidence on behalf of the department.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2510, standing in the name of Linwood O. Hurdle dba Odie One Shuttle, and is authorized to operate motor vehicles in intrastate and interstate livery service from a headquarters in Stamford, Connecticut.
2. The respondent has not registered any vehicles for livery operation since March 31, 2005.
3. The Notice of Hearing issued by certified mail to the respondent by the department was returned to the department on January 29, 2007 with the following notation by the United States Post Office "No Forward Order on File; Unable to Forward; Return to Sender."
4. The respondent failed to appear at the hearing.

III. CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in livery service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-102, as amended.

Pursuant to Connecticut General Statutes Section 13b-103, the department may amend or for sufficient cause suspend or revoke any such permit. Further, the department may impose a civil penalty on any person who violates any provision of the governing chapter or any regulation adopted under Section 13b-102 through 13b-109, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one thousand dollars per day for each violation.

The evidence shows that the respondent has not registered a vehicle for livery service since March 31, 2005, nor has the respondent maintained service for which it was authorized, in violation of its permit as issued in accordance with Connecticut General Statutes Section 13b-103. In addition, the Notice of Hearing returned to the department indicates that there is no forwarding address for the company.

The evidence supports the conclusion that the respondent is in violation of its permit which was issued in accordance with Connecticut General Statutes Section 13b-103(a). The department has no alternative but to revoke the respondent's operating authority.

IV. ORDER

Based on the evidence, Livery Permit Number 2510, standing in the name of Linwood O. Hurdle dba Odie One Shuttle, for the operation of intrastate livery service and for the registration of interstate livery authority, is hereby revoked.

Said revocation shall become effective fifteen (15) days from the date of this final decision, without further proceeding.

This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 2nd day of February 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

A handwritten signature in black ink, appearing to read 'Laila', is written over a horizontal line.

Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration