

File
STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546
Phone: (860) 594-2875

DOCKET NUMBER 0610-C-55-L
(Complaint No. LV-06-1406-68)

RE: IN THE MATTER OF THE CITATION OF MILFORD
CAR SERVICES, LLC.

Final Decision

July 9, 2007

I. INTRODUCTION

A. Background

By citation dated March 23, 2007, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Milford Car Services, LLC (hereinafter "respondent"), holder of Livery Permit Number 2938 was ordered to come before the department to answer 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 Permit Number 2938, for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-103(a). The respondent is alleged to have operated a motor vehicle, bearing marker plate number Z2890Z in intrastate livery service without an intrastate livery permit on May 23, 2006 and for operating without intrastate marker plates in violation of Connecticut General Statutes Section 14-27(d).

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 May 24, 2007.

Notice of the citation and of the hearing to be held thereon was given to the respondent and to such other parties as required by General Statutes Section 13b-103, 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 General Statutes.

C. Appearances

Milford Car Services, LLC appeared through its owner Lowell Barnes, who was unrepresented by counsel. The respondent's address is 1 Campbell Avenue, Suite 65, West Haven, Connecticut.

Robert Colucci, special investigator with the Regulatory and Compliance Unit of the Department of Transportation presented the department's evidence.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2938 and is authorized to operate motor vehicles in general livery service to all points in Connecticut from a headquarters in West Haven, Connecticut.

2. On May 23, 2006, the respondent had a vehicle bearing marker plate Z2890Z at the airport.

3. A State trooper stopped the vehicle and interviewed the operator and learned that the trip was for hire.

4. The ride was provided from New Haven to Windsor Locks.

5. On May 23, 2006, the respondent had 7 vehicles in operation, 6 were intrastate vehicles and one was an interstate vehicle.

6. The new driver picked up the wrong car to provide the ride.

7. The respondent does not have a history of citations.

III. DEPARTMENT ANALYSIS AND 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 in this matter shows that the respondent is holder of Permit Number 2938 and is authorized to provide livery service inter and intrastate. On March 23, 2006 the respondent's driver picked up a vehicle to provide an intrastate livery trip. The driver was new and there were three vehicles at the respondent's place of business – two were intrastate livery vehicles and one was an interstate livery vehicle. The driver picked up the interstate livery vehicle and completed the intrastate trip.

The respondent was issued a misdemeanor summons and complaint, for which it paid a fine in the amount of \$250 to the superior court. Although the owners of a livery company are responsible for the actions of their drivers, it appears from all of the

facts that this incident was a mistake. Based on the above, the civil penalty for the error will be minimal.

IV. ORDER

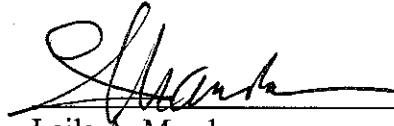
The respondent is hereby ordered to pay to the Department of Transportation a civil penalty in the amount of TWO HUNDRED FIFTY DOLLARS (\$250), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty days from the date of the final decision.

Failure to comply with the order made herein may result in further citation and may result in suspension or revocation.

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

Dated in Newington, Connecticut this 9th day of July 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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