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**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-56-L**  
**(Complaint No. LV06-1406-68)**

**RE: IN THE MATTER OF THE CITATION OF PESOK HOLDINGS, LLC DBA STRATFORD LIMOUSINE SERVICE.**

**Final Decision**

**September 4, 2007**

## I. INTRODUCTION

### A. Background

By citation dated April 30, 2007, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Pesok Holdings, LLC dba Stratford Limousine Service (hereinafter "respondent"), holder of Livery Permit Number 3040 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 3040, for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its permit issued in accordance with Connecticut General Statutes Section 13b-103(a).

On June 2, 2006 the respondent is alleged to have operated a motor vehicle, bearing marker plate number Z8159Z, in intrastate livery service in violation of C.G.S. Section 13b-103(a) and 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 July 31, 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

Pesok Holdings, LLC dba Stratford Limousine Service appeared through its owner Nitza Pesok, who was unrepresented by counsel. The respondent's mailing address of record is P.O. Box 974, Stratford, 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 authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce from a headquarters in Stamford by the Federal Motor Carrier Safety Administration and registered with the State of Connecticut under Permit No. 3040.

2. On June 2, 2006, the respondent provided a livery trip from Stratford, Connecticut to New Haven, Connecticut with a vehicle bearing marker plate Z8159Z.

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

4. The respondent received its interstate authority on July 13, 2005.

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

## III. DISCUSSION

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 3040 and is authorized to provide interstate livery service. On June 2, 2006 the respondent allowed an interstate livery vehicle to provide an intrastate livery 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.

Nitza Pesok, the respondent's owner, testified remorsefully that she did not know that the company was not authorized to provide intrastate livery service. Pesok testified that the company filed an application for the proper intrastate authorization within 30 days after the incident. The application has yet to be decided by the Department of Transportation; for the duration of time that the application has been in processing, the respondent has not provided intrastate livery service.

#### IV. CONCLUSIONS OF LAW

As a matter of law, the applicant violated its permit by providing an intrastate livery trip with an interstate plated motor vehicle in violation of Connecticut General Statutes Section 13b-97. 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 – the witness was credible and the department records corroborate the testimony that an application for intrastate service was applied for on the heels of the citation.

While a remedial civil penalty for the error will be assessed, the civil penalty will be minimal - based on the evidence. The respondent's management is admonished to become knowledgeable regarding the rules and regulations governing its business.

#### V. 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 4th day of September 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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