



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-57-L

RE: IN THE MATTER OF THE CITATION OF BEST CARRIAGE
LIMOUSINE, LLC.

Final Decision

April 26, 2007

I. INTRODUCTION

A. General

By citation dated March 21, 2007, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Best Carriage Limousine, LLC (hereinafter "respondent"), holder of Livery Permit Number 2675, 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 2675, issued for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its livery permit pursuant to Connecticut General Statutes Section 13b-102, et seq.

More specifically, it is alleged that on or about June 21, 2006, the respondent violated Connecticut General Statutes Section 13b-103 by allowing a motor vehicle, bearing marker plate number Z7440Z, to operate in intrastate livery service 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 it.

B. Hearing Held

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on April 17, 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 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 Connecticut General Statutes.

C. Appearances

Alexander Rojas appeared pro se on behalf of the respondent. The respondent's mailing address is 56 Catoona Lane, Stamford, Connecticut 06902.

Robert Colucci, Supervising Special Investigator, with the Regulatory and Compliance Unit, presented evidence on behalf of the department.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2675 in the name of Best Carriage Limousine, LLC and has been authorized to operate in interstate livery service from a headquarters in Stamford since October 1996.

2. On June 21, 2006, the respondent allowed a motor vehicle with marker plate number Z7440Z to operate in intrastate livery service and without the proper livery marker plates.

3. Alexander Rojas testified that one of his regular clients called at 9:08 p.m. on Saturday, May 21, 2006 and requested a car the next morning to take him from Guilford to Bradley International Airport. Mr. Rojas usually refers the intrastate livery trips to another livery operator but he was unable to refer this trip so he sent one of his cars knowing that he did not have the proper authority.

4. The respondent has looked into possibly purchasing a livery company or filing an application for intrastate livery service.

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 shows that the respondent took a livery request from a regular client on the evening of May 21, 2006 which was to be performed the following morning. Mr. Rojas testified that he tried to refer the trip to another authorized livery provider but was able to do so. As a result, he had to send one of his interstate plated vehicles which caused the violation.

Unfortunately, the respondent is no stranger to this situation. The respondent's carrier report shows no less than three other violations. When asked why the company has been in business for over ten years without applying for its intrastate livery permit, Mr. Rojas stated that it was difficult to get a permit and there may be opposition from operators in Stamford. While there may be opposition to the application that is no reason to leave the company at a disadvantage and perform illegal livery service. For this reason, the department will allow the respondent the opportunity of reducing its civil penalty by \$500 if it files a completed intrastate application within thirty (30) days of the date of the final decision.

IV. ORDER

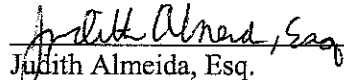
Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of One Thousand Dollars (\$1,000), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty (30) days from the date of this final decision.

If the respondent submits a completed livery application for intrastate livery service within thirty days from the date of this decision, the civil penalty will be reduced to Five Hundred Dollars (\$500).

Failure of the respondent to comply with this order shall result in revocation 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 26th day of April 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration