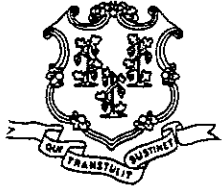
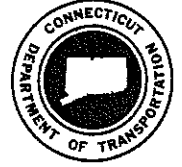


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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NUMBER 0610-C-58-L

RE: IN THE MATTER OF THE CITATION OF CURTIN MOTOR LIVERY
SERVICE, INC.

Final Decision

February 5, 2008

I. INTRODUCTION

A. General

By citation dated January 8, 2008, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Curtin Motor Livery Service, Inc (hereinafter "respondent"), holder of Livery Permit Number 112, 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 112, issued for the operation of motor vehicles in intrastate and interstate 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 9, 2006, the respondent violated Connecticut General Statutes Sections 13b-103 and 14-273(a) by allowing a motor vehicle in livery service, identified by marker plate number L14L, to be operated in intrastate livery service while the number of passengers exceeded the registered seating capacity.

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 January 22, 2008.

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

Paul Fedeli, the office manager for the respondent, appeared pro se on its behalf. The respondent's mailing address is 176 Cross Road, Waterford, Connecticut 06385.

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 112 in the name of Curtin Motor Livery Service, Inc. The respondent is authorized to operate motor vehicles in interstate and intrastate livery service from a headquarters in Waterford.

2. On June 9, 2006, the respondent allowed a motor vehicle, with marker plate number L14L, to carry six passengers while the motor vehicle was officially registered to carry only four passengers.

3. The vehicle in question was first registered to carry four passengers on June 9, 2002. The records of the Department of Motor vehicles also reflected the seating capacity as four passengers.

4. The seating capacity of the motor vehicle was later changed on June 29, 2006 to seven passengers.

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 on June 9, 2006 the respondent allowed the operation of a motor vehicle, with marker plate number L14L, to carry six passengers when the vehicle was registered to only carry four passengers, in violation of Connecticut General Statutes Section 13b-103 and 14-273(a).

Mr. Fedeli admits that his livery company performed a trip with six passengers on June 9, 2006. The respondent explains that the overcrowding occurred because of an oversight. The respondent was unaware that the vehicle had not been properly registered to carry seven passengers. The respondent corrected the registration on June 29, 2006 to reflect that the vehicle could carry seven passengers.

It is the respondent's responsibility to check all of its paperwork and make sure that everything is correct. However, since the respondent did not knowingly performed an illegal livery trip, it will be assessed a small civil penalty of \$100.

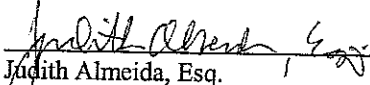
IV. ORDER

Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of ONE HUNDRED DOLLARS (\$100), 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.

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 5th day of February 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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