

File
STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0701-C-13-L
(LV-06-0806-55)

RE: IN THE MATTER OF THE CITATION OF LOUIS F. RUBANO
D.B.A. A FIVE STAR LIMOUSINE SERVICE

FINAL DECISION

April 1, 2008

I. INTRODUCTION

A. General

By citation dated February 4, 2008, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Louis F. Rubano d.b.a. Five Star Limousine Service (hereinafter "respondent"), holder of Livery Permit Number 2818, 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 2818, issued for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its livery permit issued pursuant to Connecticut General Statutes Section 13b-102, et seq.

More specifically, it is alleged that on or about May 19, 2006, a driver for the respondent operated a motor vehicle bearing Connecticut Marker Plate Number L6527L in intrastate livery service in excess of the vehicle's passenger seating capacity in violation of Connecticut General Statutes Section 14-273(a).

The citation was served upon the respondent at 1505 Dunbar Hill Road, Hamden, Connecticut 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 March 4, 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

Ms. Ronnie Brownstein, the respondent's general manager, appeared on behalf of Louis F. Rubano d.b.a. Five Star Limousine Service. The respondent's mailing address is 1505 Dunbar Hill Road, Hamden, Connecticut 06518.

Robert Colucci, Supervising Special Investigator, with the Regulatory and Compliance Unit, was a witness in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2818 in the name of Louis F. Rubano d.b.a. Five Star Limousine Service and has been authorized to operate in intrastate and interstate livery service from a headquarters in Hamden.
2. On May 19, 2006, the respondent allowed a motor vehicle with license plate number L6527L in intrastate livery service with eight passengers in excess of its registration which listed seven passengers.
3. The respondent believed it was purchasing an eight passenger vehicle when in fact; it was only legally able to carry seven passengers as determined by a DOT inspection.
4. The respondent has not had a citation in the past.

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 in 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 respondent admits that it transported eight passengers in intrastate livery service on May 19, 2008. When it purchased the vehicle it believed it was getting an eight passenger limo. The respondent submitted a letter from the dealership in New Jersey where it purchased the car to that effect. However, when the vehicle was inspected by the Department of Transportation, it was found to be only a seven passenger vehicle. Since it is the respondent's obligation to know the correct seating capacity, it will be assessed a small civil penalty.


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 TWO HUNDRED FIFTY DOLLARS (\$250), 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 1st day of April 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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