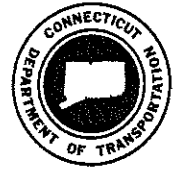


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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NUMBER 0701-C-14-L
(Case No. LV05-1806-27)

RE: IN THE MATTER OF THE CITATION OF JOSE ALVARADO
D.B.A. ALFREDO'S LIMOUSINE

Amended Final Decision

April 4, 2008

I. INTRODUCTION

A. General

By citation dated October 25, 2007, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Jose Alvarado d.b.a. Alfredo's Limousine (hereinafter "respondent"), holder of Livery Permit Number 2760, 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 2760, 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 May 12, 2006, a driver for the respondent operated a motor vehicle bearing Connecticut livery marker plate number L6482L in intrastate livery service in excess of the vehicles passenger seating capacity in violation of Connecticut General Statutes Section 13b-273(a).

The citation was served upon the respondent at 90 Garfield Avenue, Bridgeport, Connecticut 06606 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 13, 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

Jose Alvarado appeared pro se on behalf of the respondent Jose Alvarado d.b.a. Alfredo's Limousine. The respondent's mailing address is 90 Garfield Avenue, Bridgeport, Connecticut 06606.

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

Wayne Sinclair, a member of staff, presented evidence on behalf of the department.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2760 in the name of Jose Alvarado d.b.a. Alfredo's Limousine and has been authorized to operate in intrastate and interstate livery service from a headquarters in Bridgeport.

2. On May 12, 2006, a driver for the respondent operated a motor vehicle bearing Connecticut livery marker plate number L6482L in intrastate livery service with ten passengers while the vehicle was registered to carry eight passengers.

3. A Notice of Hearing was sent to the respondent at 90 Garfield Avenue, Bridgeport, Connecticut. The Notice of Hearing was not claimed by the respondent.

4. The respondent failed to appear at the citation hearing on October 2, 2007 and was revoked on October 12, 2007.

5. The respondent petitioned to reopen the case and appeared on March 13, 2008 for another hearing.

6. The driver is no longer with the respondent's company.

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 of record shows that on May 12, 2006, the respondent allowed the operation of motor vehicle bearing Connecticut livery marker plate number L6482L in intrastate livery service with ten passengers in excess of the vehicle's passenger seating capacity of eight passengers in violation of Connecticut General Statutes Section 13b-103(a).


IV. ORDER

Based on the above, the respondent is 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.

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

Dated at Newington, Connecticut on this the 4th day of April 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION


Judith Almeida, Esq.

Staff Attorney III

Administrative Law Unit

Bureau of Finance and Administration

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