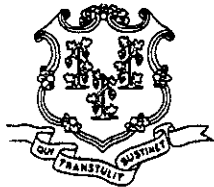
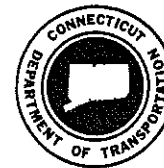


File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:
(860) 594-2875

DOCKET NUMBER 0704-C-64-L
(Case No. LV04-1607-45)

RE: IN THE MATTER OF THE CITATION OF A-1 LIMOUSINE
SERVICE, LLC

Final Decision

April 21, 2008

1634

I. INTRODUCTION

A. General

By citation dated November 6, 2007, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, A-1 Limousine Service, LLC (hereinafter "respondent"), holder of Livery Permit Number 3041, 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 3041, 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 April 4, 2007, the respondent was operating without liability insurance and did not have any vehicles registered.

The citation was served upon the respondent at 194 Overlook Avenue, New Britain, Connecticut 06053 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 originally scheduled for July 24, 2007 but the respondent failed to appear. On July 26, 2007, the respondent wrote a letter to the Department asking to have the case reopened. The hearing was then rescheduled for March 18, 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

Giuliano Dipietro appeared pro se on behalf of the respondent A-1 Limousine Service, LLC. The respondent's mailing address is 194 Overlook Avenue, New Britain, Connecticut 06053.

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 3041 in the name of A-1 Limousine Service, LLC and has been authorized to operate in interstate livery service from a headquarters in New Britain.
2. After April 4, 2007, the respondent had no livery vehicles registered and carried no liability insurance.
3. The respondent explained that it cancelled the insurance and vehicle registration when it discovered that it could not make enough money providing only interstate livery service. The applicant currently has an application pending for intrastate livery authority.
4. The respondent did not perform any livery service after it cancelled its registration and insurance.

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 after April 4, 2007, the respondent did not have insurance or have any vehicles registered in livery service, in violation of its livery permit. The respondent testified that it ceased performing livery service while it was waiting for its intrastate livery application to be processed because it was not lucrative to continue in business with only interstate livery authority. The applicant is currently waiting for its intrastate livery authority to be processed before continuing in business.

Since the respondent was not aware that it could not cease livery service while waiting for its intrastate livery application to be completed and it performed no livery work during this time, it will be assessed a small civil penalty. The respondent is required to provide proof to the Department before submitting its civil penalty, that it has registered and insured at least one vehicle in livery service.

IV. ORDER

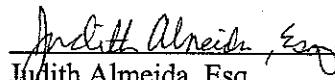
Based on the above, the respondent is ordered to pay to the Department of Transportation, a civil penalty in the amount of **FIVE HUNDRED DOLLARS (\$500)**, BY CERTIFIED CHECK, BANK CHECK OR MONEY ORDER MADE PAYABLE TO THE "Treasurer, State of Connecticut," within thirty (30) days from the date of this final decision.

Before the civil penalty will be accepted by the Department, the respondent must provide proof that it has at least one livery vehicle registered and insured.

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

Dated at Newington, Connecticut on this the 21st day of April 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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