

File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0704-C-79-L
(Case No. LV-04-1007-39)

RE: IN THE MATTER OF THE CITATION OF ON TIME
LIMOUSINE, LLC.

Final Decision

September 27, 2007

I. INTRODUCTION

A. Citation

By citation dated May 10, 2007, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, On Time Limousine, LLC (hereinafter "respondent"), holder of Livery Permit Number 2884 was ordered to come before the department to answer 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 Permit Number 2884, for the provision of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its permit, issued pursuant to Connecticut General Statutes Section 13b-103(b), for violation of Regulations of Connecticut State Agencies Section 16-325-3 for failing to maintain an active headquarters.

The citation was served upon the respondent by first class and certified mail and recited the department's reasons for issuing same.

B. Hearing

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on August 23, 2007.

Notice of the citation and of the hearing to be held thereon was given to the respondent by certified mail and to such other parties as required by General Statutes Section 13b-103, as amended. The respondent received said notice on May 17, 2007.

The hearing on this matter was conducted by a hearing officer designated by the Commissioner of Transportation, pursuant to Section 13b-17 of the General Statutes.

C. Appearances

The respondent failed to appear at this hearing.

Wayne M. Sinclair, staff of the Regulatory and Compliance Unit of the department, presented the department's evidence. Eugene Morris, public transportation inspector appeared as the department's witness.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2884 and is authorized to operate motor vehicles general livery service to all points in Connecticut from a headquarters in Stamford.
2. The applicant is on file with the Connecticut Secretary of the State's office as an active limited liability company as of April 23, 2007.
3. Eugene Morris, public transportation inspector with the Regulatory and Compliance Unit of the department was assigned to investigate the status of the respondent's headquarters based on mail that was returned to the department by the post office.
4. After confirming the current address for the respondent's headquarters with Department of Motor Vehicles registration records, Morris went to the address of record for the respondent's headquarters.
5. Morris found a single family house with no one home and no visible headquarters.
6. Morris called the headquarters telephone number and made contact with a person who did not speak English. Morris was unable to determine who the person was.
7. On May 1, 2007 Morris received a letter from the respondent acknowledging a letter of investigation and requesting a copy of the alleged violations in writing.
8. All indications on the envelope showed that the respondent's address was 43 Congress Street, Stamford, Connecticut.
9. On May 10, 2007, a Notice of Citation Hearing indicating the particulars of the basis of the violations alleged was sent to the respondent.
10. The respondent received the Notice of Hearing on May 17, 2007.
11. In reviewing the respondent's permanent authority file, Morris found a fax cover sheet, dated July 10, 2007 with an attached change of address notification showing a change in address from 43 Congress Street to 1253 High Ridge Road in Stamford.
12. The Regulatory and Compliance Unit records staff updated their records on July 10, 2007, in accordance with the notification in the faxed document.

13. No contact was made by the respondent with Morris regarding the citation.

14. The respondent failed to appear at the citation hearing for which it received and accepted notice.

III. DISCUSSION

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 in this matter shows that the respondent is holder of Permit Number 2884 and is authorized to operate vehicles in livery service within the State of Connecticut from a headquarters in Stamford. The evidence further shows that on April 19, 2007, based on the return (to the department) of undeliverable mail (sent to the respondent) Eugene Morris, public transportation inspector for the Regulatory and Compliance Unit of the department, conducted an investigation to confirm whether the respondent was still in business.

Morris found the address of record to be a private residence with no one home. Morris called the business number and reached a person who did not speak or understand English, whereupon Morris sent a letter of investigation to the respondent at the address of record of 43 Congress Street, Stamford.

The evidence shows that the respondent received the letter of investigation because on May 1, 2007, the respondent sent a letter to Morris requesting the allegations. Although the record is silent as to whether Morris responded to the respondent's request, the evidence shows that a notice Notice of Citation Hearing, detailing the allegations, was sent to the respondent on May 10, 2007 and was received by the respondent on May 17, 2007.

Thereafter, no contact was made with Morris or the Administrative Law Unit regarding the citation; however on July 17, 2007, the respondent sent a facsimile to the Regulatory and Compliance Unit staff indicating that it had changed its addresses from 43 Congress Street, Stamford to 1253 High Ridge Road in Stamford. Other than faxing the change of address information, no other contact was made to the department by the respondent.

The respondent failed to appear at the hearing to address the issues presented in the notice of hearing. Accordingly, the department has no choice but to revoke the respondent.

IV. CONCLUSIONS OF LAW

Based on the evidence of record, I conclude, as a matter of law, that the respondent failed to maintain a headquarters at the headquarters address of record in violation of Regulations of Connecticut State Agencies Section 16-325-3 and that in failing to do so, the respondent violated its permit, issued pursuant to Connecticut General Statutes Section 13b-103.

The respondent's livery permit will be revoked, in accordance with Connecticut General Statutes Section 13b-103(c) for violation of said permit and regulations as stated above.

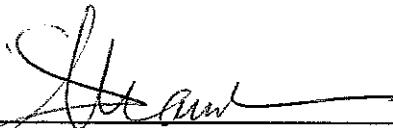
V. ORDER

Livery Permit No. 2884, standing in the name of On Time Limousine, LLC, is hereby revoked.

Said revocation shall become effective FIFTEEN DAYS (15) from the date of the Final Decision in this matter.

Dated at Newington, Connecticut this 27th day of September 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration