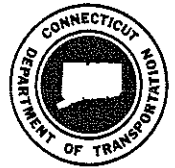




File
STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NUMBER 0803-C-52-T
(Case Number LV12-0407-53)

RE: IN THE MATTER OF THE CITATION OF NORWALK YELLOW CAB,
INC.

Amended Final Decision

November 3, 2008

I. INTRODUCTION

A. General

By citation dated May 23, 2008, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, Norwalk Yellow Cab, Inc. (hereinafter "respondent"), holder of Certificate Number 899, 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 Certificate Number 899, issued for the operation of taxicab service, should not be suspended or revoked or a civil penalty imposed for violation of its certificate pursuant to Connecticut General Statutes Section 13b-96, et seq.

More specifically, it is alleged that the respondent failed to produce business records for March 2007, in violation of Connecticut General Statutes Section 13b-96-30(a).

The citation was served upon the respondent by first class and certified mail and recited the Department's reasons for issuing it. After three attempts at delivery, it was returned to the Department. Respondent's certificate was revoked on July 14, 2008, when no one appeared at the hearing. On July 23, 2008, the respondent requested that the case be reopened. A second hearing was held on October 14, 2008, at which time the respondent appeared with counsel.

B. Hearing Held

Pursuant to Section 13b-96 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on June 24, 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-96, 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

Mr. Lloyd Mellad appeared at the hearing on behalf of the respondent. The respondent was represented by Thomas McCabe with a mailing address of 43 Corbin Drive, Darien, Connecticut 06820.

Robert Colucci, Supervising Investigator with the Regulatory and Compliance Unit, acted as a witness on behalf of the Department.

II. FINDINGS OF FACT

1. The respondent is the holder of Certificate 899 in the name of Norwalk Yellow Cab, Inc. and is authorized to operate thirty (30) motor vehicles in taxicab service in Norwalk.

2. On January 7, 2008, January 17, 2008 and February 6, 2008, the Department requested that the respondent produce its trip records from March of 2007. The respondent failed to produce these records in violation of Connecticut State Agencies Section 13b-96-30(a).

3. The regulations require that the Department provide operators with a three day notice to produce records.

4. The Department gave the respondent ample time to furnish the trip records.
5. Before the date of the second hearing, the respondent provided the March 2007 trip records to the Department.

III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in taxicab service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-96, as amended.

Pursuant to Connecticut General Statutes Section 13b-97, 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-96, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one hundred dollars per day for each violation.

The evidence shows that on three separate occasions the respondent was requested to produce trip sheets for March 2007. Although the respondent agreed to the production, it failed to produce the trip sheets in a timely fashion. The respondent failed to appear at the citation hearing and its certificate was revoked as a result.

The respondent provided evidence that it closed its post office box in 2005. The respondent also submitted several envelopes showing that the Department had used its current address of 7 West Street, Darien in mailing correspondence to the respondent in 2005 and 2007 but had sent the first citation notice to the closed post office box which is why the respondent did not receive it.

Mr. Mellad testified that he feels the Department and others are working against him. He used as his example the revocation of his certificate for failure to appear and the fact that the Department sent the notice to the wrong address. Unfortunately, there have been other instances, whether through an error of a respondent or the Department that the wrong mailing address for a respondent was used for a citation notice and a revocation occurred. Norwalk Yellow Cab is not the only company that has had its certificate revoked for failing to appear at a hearing. These allegations are unfounded and counter productive.

Regarding the real issue at hand, Mr. Mellad testified that he did finally turn over the March 2007 trip records to the Department prior to the second hearing. Since Mr. Mellad has complied with the request, his company will not be issued a civil penalty. Mr. Mellad should be aware, however, that when a request for trip sheets is made, they are to be promptly provided. The Department will not be as lenient waiting for production of records the next time a request is made. By failing to provide the records the respondent is subjecting itself to a civil penalty of \$100 for each day it fails to produce the records.

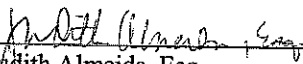
IV. ORDER

Based on the above, the Department is hereby dismissing this citation action against the respondent.

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

Dated at Newington, Connecticut on this the 3rd day of November 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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