

File

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone: (860) 594-2875

DOCKET NUMBER 0810-C-168-L

RE: IN THE MATTER OF THE CITATION OF SUBURBAN
LIVERY SERVICE, LLC.

Final Decision

January 12, 2009

I. INTRODUCTION

A. Citation

By citation dated December 5, 2008, issued by the Department of Transportation (hereinafter "department") and pursuant to Connecticut General Statutes Section 13b-102, 13b-103 and 13b-106, as amended, Suburban Livery Service, LLC (hereinafter "respondent"), holder of Livery Permit Number 2780, 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 2780, for the operation 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-102, et seq. as follows:

Regulations of Connecticut State Agencies (hereinafter "RSCA")
Section 16-325-3 for failing to notify the department of a change of address;
RSCA Section 16-325-1 for failure to keep records;
RSCA Section 16-325-4 for changing location outside the city or town and
RSCA Section 16-325-7 for failing to maintain proper rates.

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 January 5, 2009.

Notice of the citation and of the hearing to be held thereon was given to the respondent and to such other parties as required by General Statutes Section 13b-103, as amended.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17, conducted the hearing on this matter.

C. Appearances

The respondent appeared through Abdul Majid, the owner of the company and was represented by Mathew Forrest, Esq., whose mailing address is 25 Spring Street, Wethersfield, Connecticut. Suburban Livery Service, Inc. has a mailing address of 24 Chatham Lane, South Windsor, Connecticut.

Eugene Morris, public transit inspector, appeared on behalf of the department's Regulatory and Compliance Unit.

D. Stipulation

The parties stipulated to the resolution of this matter, the terms of which will be incorporated in the Order of this final decision.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2780 for the operation of livery service from a headquarters in West Hartford.

2. Sometime after receiving its permit on January 4, 2008, the respondent operated its business from a town/city other than West Hartford, its authorized headquarters town and further failed to keep records there.

3. Sometime after receiving its permit on January 4, 2008, the respondent moved its headquarters out of the authorized town of West Hartford.

4. Sometime after receiving its permit on January 4, 2008, the respondent failed to notify the department of the change of address that the respondent made.

5. Sometime after receiving its permit on January 4, 2008, the respondent failed to charge the rates approved and authorized by the department.

III. 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 respondent failed to maintain its headquarters of record, in violation of RSCA Section 16-325-1. The respondent changed the location of its headquarters without approval from the department in violation of RSCA Section 16-325-4. The respondent failed to notify the department of its change of address, in violation of RSCA Section 16-325-3. The respondent failed to charge the proper rates, as approved and authorized by the department, in violation of RSCA Section 16-325-7.

IV. ORDER

In resolution of the above violations, the parties hereby agree and it is so ordered that:

1. Suburban Livery Service, LLC shall pay to the State of Connecticut a civil penalty in the amount of Two Hundred Fifty Dollars (\$250) for violation of RSCA Section 16-325-1.
2. Suburban Livery Service, LLC shall pay to the State of Connecticut a civil penalty in the amount of \$ Two Hundred Fifty Dollars (\$250) for violation of RSCA Section 16-325-2.
3. Suburban Livery Service, LLC shall pay to the State of Connecticut a civil penalty in the amount of \$ Two Hundred Fifty Dollars (\$250) for violation of RSCA Section 16-325-3.
4. Suburban Livery Service, LLC shall pay to the State of Connecticut a civil penalty in the amount of \$ Two Hundred Fifty Dollars (\$250) for violation of RSCA Section 16-325-4.

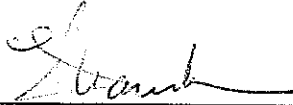
Payment of the civil penalties, totaling One Thousand Dollars (\$1000), shall be made by certified check, bank check or money order payable to the "Treasurer, State of Connecticut," within thirty days from the date of this final decision.

The respondent is hereby placed on probation for one (1) year, said probation to commence from the date of the final decision. Probation means that this respondent is barred from making application for additional vehicles during the period of probation.

Further violations of a similar nature may result in the suspension of Permit Number 2780. This constitutes notice as required by Connecticut General Statutes Section 4-182.

Dated at Newington, Connecticut this the 12th day of January 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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