



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1102-C-10-T

RE: IN THE MATTER OF THE CITATION OF SUBURBAN
TRANSPORTATION, INC. D.B.A. VALLEY CAB

Final Decision

July 18, 2011

I. INTRODUCTION

A. General

By citation dated May 19, 2011, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Suburban Transportation, Inc. d.b.a. Valley Cab (hereinafter "respondent"), holder of Certificate Number 1144, 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 1144, 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 violated the following Regulations of Connecticut State Agencies:

1. 13b-96-4 Knowledge of Regulations
2. 13b-96-13 Filing a Trade Name
3. 13b-96-14 Business to be conducted under a Single Name
4. 13b-96-16 Limits of Operating Authority
5. 13b-96-17 Number of Taxicabs Operated

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

B. Hearing Held

Pursuant to Section 13b-96 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on July 7, 2011.

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

David Lill, manager, appeared on behalf of the respondent at the hearing. The respondent was represented by Alan Berman, Esq. with a mailing address of 111 Roberts Street, Suite G-1, East Hartford, Connecticut 06108.

Eugene Morris, Transportation Public Transit Inspector with the Regulatory and Compliance Unit, presented evidence on behalf of the department.

II. FINDINGS OF FACT

1. The respondent entered into a lease agreement with Todd Coogan on July 12, 2010, for the respondent to operate Mr. Coogan's one taxicab. That same day, both parties entered into an agreement for purchase and filed a sale and transfer agreement.
2. On November 2, 2010, the respondent registered Mr. Coogan's vehicle with taxicab plate T4825T under the incorrect name of Suburban Transportation, Inc. d.b.a. Hardware City.

3. On February 2, 2011, the error was corrected and the registration was put back in the name of Todd Coogin dba Hardware City Taxi.

4. The respondent operated the vehicle under the incorrect name for three months.

5. When this action occurred, the long standing manager of the respondent was unavailable to oversee the daily operations of the company.

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 respondent clearly registered a vehicle incorrectly as its own when in fact the vehicle was still owned by Mr. Coogan as no sale and transfer had been approved. The respondent had no authority to register the vehicle as its own and thus violated the regulations sections to which it has been charged, 13b-96-4-Knowledge of Regulations, 13b-96-13-Filing a Trade Name, 13b-96-14-Business to be Conducted under a Single Name, 13b-96-16-Limits of Operating Authority and 13b-96-17-Number of Taxicabs Operated.

This situation existed for three months during which the respondent could have been assessed \$100 for each of five violations for 90 days or \$45,000 in total. However, the respondent instead be assessed a civil penalty of \$1,500, as the manager of the company was not available for a period of time to oversee the business when this vehicle was incorrectly registered but the respondent is still responsible for the error.

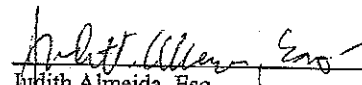
IV. ORDER

Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of One Thousand Five Hundred Dollars (\$1,500), 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.

Failure of the respondent to comply with this order shall result in revocation without further proceeding. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 18th day of July 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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

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