



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NUMBER 1103-C-21-L  
(Case No. LV03-1611-9)

RE: IN THE MATTER OF THE CITATION OF WILSON  
LIMOUSINE & TRANSPORTATION SERVICE, INC. D.B.A.  
ALL TRANSPORTATION

Final Decision

August 26, 2011

## I. INTRODUCTION

### A. General

By citation dated April 14, 2011, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Wilson Limousine & Transportation Service, Inc. d.b.a. All Transportation (hereinafter "respondent"), holder of Livery Permit Number 2588, 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 2588, 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 the respondent violated section 13b-103 of the Connecticut General Statutes in that it failed to maintain a registered vehicle since March 31, 2010.

The citation was served upon the respondent at P.O. Box 794, Norwalk, Connecticut 06850 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 held on June 9, June 28, and August 25, 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-103, as amended. Notice to the public was made on the department's website.

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

Jesse Wilson appeared on pro se on behalf of the respondent after being duly notified by certified mail. Mr. Wilson's mailing address is P.O. Box 794, Norwalk, Connecticut 06850.

Eugene Morris, Public Transportation Transit Inspector with the Regulatory and Compliance Unit, was the case presenter in this matter.

## II. FINDING OF FACTS

1. On July 13, 2010, the respondent filed an application for additional vehicles without a hearing. At that time, the respondent had only one vehicle registered. A letter was sent to the respondent on July 15, 2010, requesting that he register an additional vehicle before the application is processed.

2. The respondent, Mr. Wilson, requested a motor vehicle inspection in 2010 from the Department of Transportation.

3. On August 6, 2010, a 2004 Ford van was inspected by DOT staff, Richard Majka. The motor vehicle presented by Mr. Wilson for inspection failed due to mechanical issues. Mr. Majka confiscated the license plates.

4. On March 31, 2010, the registration on the license plate L7480L expired. The respondent had no vehicles registered after that point.

5. Several months passed after the inspection during which time Mr. Wilson had to get money together to repair the motor vehicle. By the time he fixed the motor vehicle, the department had initiated this citation action for failure to have a motor vehicle registered.

6. The respondent was not operating a motor vehicle after its registration had expired in March 2010 and farmed out its livery work.

7. The respondent has been in operation with intrastate authority since 1993. On June 10, 2011, the respondent reinstated its interstate livery authority which had been previously revoked.

8. In 2008 the respondent was the subject of a citation hearing in Docket number 0709-C-150-L in which the respondent was operating with an expired registration and received a civil penalty of \$500. Other than this citation, the respondent has not been the subject of any other citation actions.

9. The department sent the respondent a warning letter on March 16, 2011, concerning this citation action.

10. The respondent reactivated its auto insurance on April 25, 2011.

### 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 in 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 is being cited for failing to register a motor vehicle after its registration expired on March 31, 2010. The evidence shows that department staff inspected the motor vehicle in August 2010 and it failed inspection thereby causing the license plates to be confiscated. The evidence further shows that as a result of the failed inspection, the respondent was required to fix the vehicle which took time. By the time it was fixed, the department had initiated a citation action against the respondent for failure to register a vehicle and refused to perform another inspection of the vehicle until the citation action was over.

The respondent claims that the company did not operate any livery service after the license plates were confiscated by the department in August 2010. To prove that point the respondent submitted cancelled checks and check book stubs to Cardinal Transportation from March 2010 through September 2010. These referrals occurred both before and after the license plates were confiscated in August 2010.

The department has presented no proof that the respondent actually did in fact operate an unregistered or uninsured motor vehicle. There is, however, sufficient proof that for a significant period of time in 2010 to the hearing in 2011, the respondent did fail to keep a vehicle actively registered.

Mr. Wilson claims he has insurance and is ready to resume his business as soon as the citation hearing is resolved and the vehicle can be inspected. As of April 25, 2011, the respondent has been maintaining its insurance. Mr. Wilson will be given an opportunity to do that after he pays a civil penalty of \$750 for failing to register any vehicles for most of 2010 to 2011. The respondent will be given thirty (30) days from the date of this decision to pay the civil penalty and sixty (60) days to register a vehicle in service. Failure to either pay the civil penalty or register a vehicle as required within the time limits specified will result in the respondent's immediate revocation.

#### IV. ORDER

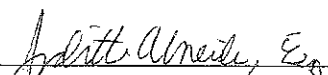
Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of Seven Hundred Fifty Dollars (\$750), by certified bank check or money order made payable to the "Treasurer, State of Connecticut", within thirty (30) days of the date of this final decision.

The respondent must also register and insure a vehicle within sixty (60) days of the date of this decision.

Failure of the respondent to comply with any part of 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 26th day of August 2011.

#### CONNECTICUT DEPARTMENT OF TRANSPORTATION

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