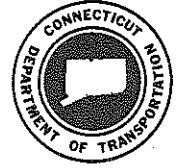


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1104-C-27-T

RE: IN THE MATTER OF THE CITATION OF 1104-C-27-T DAVID
SMALL/LEANN WARMOUTH D.B.A. AMERICAB

Final Decision

July 12, 2011

I. INTRODUCTION

A. General

By citation dated May 11, 2011, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, David Small/Leann Warmouth d.b.a. Americab (hereinafter "respondent"), holder of Certificate Number 1210, 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 1210, 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-96-17 Number of Taxicabs Operated
3. 13b-96-22 Registration and Insurance
4. 13b-96-27(1) Unlawful Operation of a Taxicab
5. 13b-96-32 Driver I.D. and Comment Card
6. 13b-96-37(b)(e) Setting fare
7. 13b-96-38 Taxi Meter
8. 13b-96-41 General Construction and Equipment Requirements
9. 13b-96-44 Identification of taxicabs
10. 13b-96-48 Inspection Required

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 June 22 and 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

Deborah Small appeared pro se at the hearing. The respondent's mailing address is 4 Coslin Road, Enfield, Connecticut 06082.

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 is the holder of Certificate 1210 in the name of David Small/Leann Warmouth d.b.a. Americab and is authorized to operate one motor vehicle in taxicab service in East Windsor, Enfield, Somers and Suffield.

2. On February 5, 2011, the respondent was operating a motor vehicle at Bradley International Airport when it was stopped by an investigator with the State Police and issued a citation for the violations cited previously.

3. The respondent and the State entered into a stipulated agreement by which the respondent agreed to pay \$700 in exchange for the state dropping seven of the violations. Respondent will also sell the business within ninety (90) days from the date of the last hearing, July 7, 2011.

4. The respondent must pay the civil penalty of \$700 within thirty days of the date of the last hearing, July 7, 2011.

5. The department has received the respondent's sale and transfer application will actively work to expedite the sale. If the department fails to approve the sale within the time deadlines, the respondent will not be held accountable. If however, the respondent or the buyer fails to get the sale processed within ninety (90) days and either party is responsible for the delay, the respondent will be brought back to answer the three remaining charges (13b-96-22, 13b-96-27 and 13b-96-48).

6. Deborah Small has the power of attorney for both her husband, David Small and her daughter, Leann Warmouth.

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 and the department entered into a stipulated agreement concerning the citation hearing. The details of the agreement are that:

1. The respondent and the State entered into a stipulated agreement on July 7, 2011, by which the respondent agreed to pay \$700 in exchange for the state dropping seven of the violations.

2. The respondent will sell the business within ninety (90) days from the date of the last hearing, July 7, 2011.

3. The respondent must pay the civil penalty of \$700 within thirty days of the date of the last hearing, July 7, 2011.

4. The department has received the respondent's sale and transfer application will actively work to expedite the sale. If the department fails to approve the sale within the time deadlines, the respondent will not be held accountable for the delay.

5. If the respondent or the buyer fails to get the sale processed within ninety (90) days and either party is responsible for the delay, the citation will be reopened and the respondent will have to answer the three remaining charges against it. Those violations are of section 13b-96-22, 13b-96-27 and 13b-96-48 of the Regulations of Connecticut State Agencies.

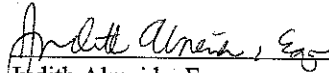
IV. ORDER

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 (\$700), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty (30) days from the date of the final hearing on July 7, 2011.

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 12th day of July 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.

Staff Attorney III

Administrative Law Unit

Bureau of Finance and Administration