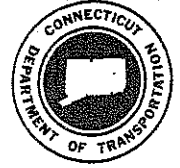




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1110-C-106-L
(Case No. LV09-2711-28)

RE: IN THE MATTER OF THE CITATION OF ABSOLUT LIMO,
LLC.

Final Decision

January 4, 2011

I. INTRODUCTION

A. General

By citation dated November 17, 2011, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Absolut Limo, LLC (hereinafter "respondent"), holder of Livery Permit Number 3085, 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 3085, 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 an active headquarters. It is also alleged that the respondent violated section 16-325-1 for failure to provide an updated Criminal History Report and Permit Holder Information update.

The citation was served upon the respondent at 15 Evergreen Trail, Farmington, Connecticut, 06032 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 December 22, 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

Yuri Charnetski appeared pro se on behalf of the applicant. The respondent's mailing address is 15 Evergreen Trail, Farmington, Connecticut 06032.

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

II. FINDING OF FACTS

1. The respondent filed two sale and transfer applications in April 2011 which were assigned Docket Numbers 1104-PS-32-L and 1104-PS- 33-L.

2. As the result of the respondent's sale and transfer applications, the department was required to perform a headquarters inspection.

3. The department called the respondents phone number and left three messages which were never returned.

4. The warning letter the department sent to the respondent on October 5, 2011, was returned unclaimed.

5. The respondent claims he met with a License and Application Analyst, Cynthia Baigert, to change his headquarters address to Newington in September 2011. Ms. Baigert does not remember this conversation and the proper application and paperwork were never performed by the department to effectuate a headquarters transfer or address change.

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.

Mr. Charnetski testified that he came to the department in early September 2011 and spoke with Cynthia Baigert about moving the company to Newington. He claims that she wrote down his new address and phone number on a piece of paper but he was not asked to fill out a Transfer of Headquarters application or a new information sheet. The respondent claims that it will move the operation back to Farmington in the next few weeks.

Ms. Baigert testified that she did not recall meeting with the respondent and that there is a defined procedure for transferring a headquarters. She stated that a general information sheet would have been given to the respondent if he had wanted to change his address and phone number and an application to transfer headquarters would also have been addressed.

With regard to the citation hearing, the respondent failed to claim its certified mail announcing the hearing and only found out about the hearing through the buyer's attorney who had inquired about the status of the sale and transfer applications and was told about the citation. A review of the respondents file reflects that a general information sheet was not filed by the respondent.

The respondent's testimony in this matter is not credible. None of the procedures that have been set up to handle situations such as moving a headquarters or changing a phone number were followed indicating that that the department was never made aware of the respondent temporary move. The department staff that supposedly spoke to the respondent does not remember any such conversation occurring.

The respondent has filed two sale and transfer applications that have been put on hold pending the outcome of this citation action. The respondent needs to immediately establish a new operational Farmington headquarters, as outlined in the department's October 5, 2011 letter to the respondent. This headquarters must be in continuous operation for six months, before the sale and transfer can be approved by the department. Trip records must be kept for those six months showing activity of each of the vehicles the respondent is seeking to transfer as vehicle utilization must be shown.

In addition, the respondent will be assessed a civil penalty of \$5,000 for failing to operate a headquarters for the months preceding the citation hearing. The department will be performing random site inspections of the respondent's headquarters location during the next six months to ensure compliance. If the respondent chooses to operate from another site in Farmington than its previous location, it must immediately inform the department of the new location in writing and file the appropriate paper work with the department.

IV. ORDER

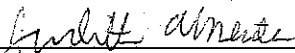
Based on the above, the respondent, Absolut Limo, LLC will be assessed a civil penalty of \$5,000 to be paid to the "Treasurer, State of Connecticut" within 30 days from the date of this final decision.

The respondent will be given thirty (30) days from the date of the final decision to re-establish as headquarters in Farmington as outlined in the departments October 5, 2011 letter. The department will perform random site inspections of the new headquarters to ensure compliance. The sale and transfer applications that the respondent has filed will remain pending the completion of six months of a new active headquarters showing full vehicle utilization for each vehicle the respondent is seeking to transfer.

Failure to reestablish a headquarters in Farmington within the thirty days allotted will result in the respondent receiving a second citation which may result in an additional civil penalty, suspension or revocation pursuant to Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 4th day of January 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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