



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1203-C-32-L
(Case No. LV03-0512-9)

RE: IN THE MATTER OF THE CITATION OF PRIME TIME
LIMOUSINE, INC.

Final Decision

May 15, 2012

I. INTRODUCTION

A. General

By citation dated March 19, 2012, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Prime Time Limousine, Inc. (hereinafter "respondent"), holder of Livery Permit Number 2546, 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 2546, 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 operated in intrastate livery service without a permit.

The citation was served upon the respondent at 30 Commerce Road, Stamford, Connecticut 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 May 10, 2012.

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

John Pedone appeared on behalf of the respondent. The respondent's mailing address is 30 Commerce Drive, Stamford Connecticut 06902.

Dennis King, Manager of the Regulatory and Compliance Unit, appeared as a witness in this matter.

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 March 5, 2012, a vehicle hired by the respondent, with license plate Z9734Z, was stopped at the New Haven Rail Station.

2. Employees of the department were at the train station to observe the new sticker system that had just been initiated.

3. Mr. Dennis King, Manager of the Regulatory & Compliance Unit, questioned both the livery driver and the passenger. It was determined that the trip was intrastate in nature, from Fairfield to New Haven.

4. The company that performed the job, Avon Connecticut Limousine, was hired by the respondent but this company did not have intrastate livery authority.

5. Avon Connecticut Limousine handles livery trips for the respondent on a regular basis.

6. After the incident in question, Avon Connecticut Limousine filed an application for intrastate livery service with the department in April 2012.

7. Mr. Pedone testified that he has no control over the subcontractors that he hires and that he did not know that Avon Connecticut Limousine did not have intrastate authority.

8. The trip sheet used for the trip in question has a Primetime Limousine logo on the upper left corner.

9. The respondent has both intrastate and interstate livery authority.

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 crux of this case is the fact that the respondent has been farming livery work out to other companies that may not have authority to do the trip. It would be one thing for the respondent to have given the work to a company that had both intrastate and interstate livery authority but the company in this case; Avon Connecticut Limousine had no intrastate livery authority. There are no circumstances under which this company could legally perform an intrastate trip.

Mr. Pedone claims that he has no authority over the subcontractors the company he hires uses but clearly the company he chose had no intrastate authority at all. Since the respondent made the arrangements for the trip in question, the respondent is responsible for investigating whether the companies it is using are legal to perform the work.

After the incident in question, Mr. Pedone asked Avon Connecticut Limousine to file an application to correct their lack of livery authority. Due to Mr. Pedone's attempt to bring Avon Connecticut Limousine into compliance, the department will assess the respondent a small civil penalty of \$200. The respondent should be aware for the future that it is responsible for making sure that any work farmed out by it must be to legal companies authorized for that work.

IV. ORDER

Based on the above, Primetime Limousine, Inc. is hereby ordered to pay to the Department of Transportation a civil penalty in the amount of Two Hundred (\$200) by bank check, certified check or money order made payable to "Treasurer, State of Connecticut" within thirty (30) days of the date of the final decision in this matter.

Failure to comply with any provision of this order shall result in revocation without further proceeding. This final decision constitutes notice in accordance with Connecticut General Statute Section 4-182.

Dated at Newington, Connecticut on this the 15th day of May 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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