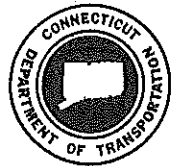




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546  
Phone: (860) 594-2875

DOCKET NUMBER 1211-C-153-L  
(Case No. LV11-2612-59)

RE: IN THE MATTER OF THE CITATION OF HORIZON  
LIMOUSINE SERVICE, INC.

Final Decision

September 30, 2013

## I. INTRODUCTION

### A. Background

On May 23, 2013, pursuant to Connecticut General Statutes Section 13b-103, as amended, the Department of Transportation (hereinafter "department") issued a citation notice to Horizon Limousine Service, Inc. (hereinafter "respondent"), holder of Livery Permit Number 2852. The citation notice ordered the respondent to appear before the department to answer allegations made therein.

The respondent was ordered to appear at the Newington office of the department to show cause as to why Certificate Number 2852 should not be suspended, revoked or a civil penalty imposed for violation of its livery permit issued in accordance with Connecticut General Statutes Section 13b-103.

More specifically, the respondent is alleged to have violated Connecticut General Statutes Section 13b-103 by failing to register and insure vehicles.

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

### B. Hearing

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on September 17, 2013.

Notice of the citation and of the hearing to be held thereon was given to the respondent and to such other parties as required by General Statutes Section 13b-103, as amended.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to Connecticut General Statutes Section 13b-17.

### C. Appearances

The respondent appeared through its Treasurer, Marie Jean, without counsel.

Eugene Morris, Public Transit Inspector of the Regulatory and Compliance Unit of the Department of Transportation presented the department's evidence.

## II. FINDINGS OF FACT

1. On June 17, 2004, Horizon Limousine Service, Inc. was issued Permit No. 2852 for authority to operate two (2) motor vehicles having a passenger seating capacity of less than ten (10) adults in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Trumbull
2. On June 17, 2004, Driver's Express, Inc. was issued Permit No. 2523 for authority to operate three (3) stretch type motor vehicles each with a passenger seating capacity of less than ten (10) adults in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Bridgeport.
3. The respondent is holder of Livery Permit Number 2852 and is authorized to operate motor vehicles general livery service to all points in Connecticut from a headquarters in Trumbull, Connecticut.
4. Jean C. Jean was the owner of the respondent company. The respondent company was established in 2004 as a result of a sale and transfer from Driver's Express, Inc.
5. Driver's Express, Inc. is owned and operated by Claude J. Jean, President and Marie Jean, Secretary and was established in 1990. Claude Jean and Marie Jean are Jean C. Jean's parents. Driver's Express, Inc. sold and transferred two vehicles to Jean C. Jean who established Horizon Limousine Service, Inc.
6. Jean C. Jean, owner of the respondent company died in 2010.
7. The respondent's vehicles expired in 2011. Jean C. Jean's father, Claude Jean tried to register vehicles in 2011 and was told by the Regulatory and Compliance Unit that he could not register the vehicles because the plates were transferred to Driver's Express, Inc.
8. The permanent authority files which constitute the business records of the department show no activity with either company since the sale and transfer from Driver's Express, Inc. to Horizon Limousine Service, Inc. in 2004.
9. Permit Numbers 2852 and 2523 are still in effect as issued on June 17, 2004.
10. No other activity is visible from department records.

## 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 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.

Eugene Morris, Public Transit Inspector with the Regulatory and Compliance Unit of the department presented evidence in this matter showing that the respondent has not registered vehicles since 2011. Marie Jean, Treasurer of the respondent company, appeared on its behalf and testified that she was the mother of Jean C. Jean, the owner of Horizon Limousine Service, Inc. and he passed away in 2010.

Jean's father came in to register vehicles for the respondent company after his son's death and he was told by Regulatory and Compliance Unit personnel that the vehicles had been transferred to Drivers Express, Inc. and were registered under Drivers Express, Inc. The Jeans had no knowledge that the vehicles were transferred or who transferred them. No evidence was provided to answer such questions.

Mrs. Jean testified that she and her husband wanted to keep the respondent company in service, as their son was vested in, and took much pride in, the operation of the company. There is no record showing any activity relative to transfers of the vehicles from the respondent or any other activity relative to the transfer of the business. Mrs. Jean testified that she and her husband did not know if they could continue to operate the respondent company since they were told the plates were transferred to their company.

Inasmuch as there is no evidence to show what transpired with the company since Jean C. Jean's death, the citation matter will be dismissed and the respondent's permit will be reissued in this decision.

The Jeans may continue the company (Horizon Limousine Service, Inc.) but they will be first required, as a condition of operation, to file with the Regulatory and Compliance Unit of the department documents reflecting the legal owners of the respondent company. Vehicles must be registered within 30 days after filing the paperwork with the department and company must operate from its headquarters town of Trumbull.

Drivers Express, Inc. is herein advised to continue operation with no more than the number and type of vehicles (3 stretch type vehicles) authorized in Permit No. 2523 from its headquarters town of Bridgeport.

The existing Permit No. 2523 standing in the name of Drivers Express, Inc. and Permit No. 2852 standing in the name of Horizon Limousine Service, Inc. and issued in the department's final decision dated July 17, 2004 and given Docket No. 0401-S-02-L, appended hereto and made a part hereof as Attachment A.

IV. CONCLUSIONS OF LAW and ORDER

Based on the foregoing, the evidence does not support the allegations and therefore, the instant complaint is hereby dismissed.

However, based on the facts, the respondent is hereby ordered as follows:

1. No later than 30 days from the date of this final decision, the respondent must file with the Regulatory and Compliance Unit of the department, documents showing the record owner/s of the company, the correct telephone number, headquarters and mailing address.
2. No later than 30 days from the date of said filing referred to in No. 1 of this order, the respondent must register its vehicles.
3. The respondent is hereby ordered to operate only the vehicles it is permitted to operate under Permit Number 2852 from its headquarters in Trumbull. The respondent is also ordered to not to operate its vehicles under the Permit No. 2523 belonging to Drivers Express, Inc.

Failure to comply with the order in this decision will subject the respondent to further citation and possible revocation, suspension or civil penalty assessments. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 30<sup>th</sup> day of September 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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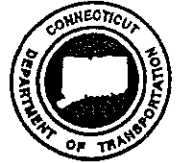
Laila A. Mandour  
Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration

**DOCKET NO. 1211-C-153-L**

**ATTACHMENT A**



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:  
860-594-2865

DOCKET NO. 0401-S-02-L

JOINT APPLICATION FOR A SALE AND TRANSFER  
OF LIVERY PERMIT NUMBER 2852  
HELD IN THE NAME OF  
HORIZON LIMOUSINE SERVICE, INC.

TO

JEAN C. JEAN

CORRECTED FINAL DECISION

June 17, 2004

## I. INTRODUCTION

Horizon Limousine, Inc. (hereinafter "transferor") is the holder of Livery Permit Number 2852 that was last issued by the Department of Transportation (hereinafter "department") on November 9, 2001 wherein the transferor was granted authorization to operate two (2) motor vehicles having a passenger seating capacity of less than ten (10) adults in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Trumbull. The transferor's address of record is 87 Johnson Street, Trumbull, Connecticut, 06611 and is presided by William Ruscoe.

## II. APPLICANTS' PROPOSAL

By joint application filed on January 16, 2004 given Docket Number 0401-S-02-L, the applicants seek department approval of the sale and transfer of the authority granted under Livery Permit Number 2852 from the transferor to Jean C. Jean (hereinafter "transferee"). The transferee's address is 161 Kings Highway, Fairfield, Connecticut, 06438. The transferee desires to keep this new authority in the name of Horizon Limousine with its original permit number.

## III. CORRECTED DECISION

The applicants have requested that another sale and transfer decision be issued to reflect the correct name of the transferee as JEAN C. JEAN instead of DRIVERS EXPRESS INC. as was done in the original issuance of Docket Number 0401-S-02-L on March 24, 2004. The purpose of this decision is to reissue Permit Numbers 2852 and 2523 as separate entities.

## IV. FINDINGS OF FACT

1. After a review of the transferor's operating records it was determined that the transferor had operating records for various dates over a six-month period.
2. The transferee's financial statement indicates it is financially able to staff, equip and operate the livery service transferred herein.
3. The required Connecticut State Police Criminal History Conviction Report, indicating the absence of any criminal records of the transferee, was filed with the application.
4. A copy of the Purchase Agreement was submitted with the application.
5. William Ruscoe is the president of the transferor.

## V. CONCLUSION

Therefore, based upon the facts stated above, and pursuant to Section 13b-103, the department hereby approves the sale and transfer of the authority granted under Livery Permit Number 2852, as proposed, to the transferee, Jean C. Jean.



Following the approval of this sale and transfer, William G. Ruscoe, president of the transferor Horizon Limousine, Inc. will retain no rights to the authority transferred. Livery Permit Number 2852 in the name of Horizon Limousine Service, Inc. is hereby amended and reissued in the following form:

**LIVERY PERMIT NO. 2852**  
**FOR THE OPERATION OF MOTOR VEHICLES IN LIVERY SERVICE**

Horizon Limousine Service, Inc. is hereby permitted and authorized to operate two (2) motor vehicles having a passenger seating capacity of less than ten (10) adults in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Trumbull.

The authority transferred in this decision may not be sold or transferred until it has been operational, i.e., a vehicle registered thereunder, for not less than twenty-four (24) consecutive months from the issuance of this decision. If during the twenty-four (24) month period, the applicant enters into a contract for the full or partial sale and transfer of any of the vehicles authorized, the authorities transferred in this permit will be revoked.

The permit shall remain in effect until it is amended, suspended or revoked by the department. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State Statutes and/or rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke this permit.

This permit is transferable only with the approval of the department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this department may from time to time prescribe.

A memorandum of this permit, bearing the seal of the department, shall be kept conspicuously posted in the motor vehicles operated hereunder.

FURTHER, Livery Permit Number 2523 is hereby reissued in its original form:-

**LIVERY PERMIT NO. 2523**  
**FOR THE OPERATION OF MOTOR VEHICLES IN LIVERY SERVICE**

Drivers Express, Inc. of Bridgeport is hereby permitted and authorized to operate three (3) stretch type motor vehicles each with a passenger seating capacity of less than ten (10) adults in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Bridgeport.

Drivers Express, Inc. is further permitted and authorized to operate motor vehicles for the transportation of passengers in special and charter operations in interstate commerce under such authorization as issued or amended by the Interstate Commerce Commission in the issuance of Certificate Number MC-233232.

This permit shall remain in effect unless it is amended, suspended or revoked by the department. Failure of the permit holder to maintain proper insurance and/or comply with all motor vehicle laws and other pertinent state statutes and the rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke this permit.

This permit is transferable only with the approval of the department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this department may from time to time prescribe.

A memorandum of this permit, bearing the seal of the department, shall be kept conspicuously posted in the motor vehicles operated hereunder.

Dated at Newington, Connecticut, this 17th day of June, 2004.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Judith Almeida  
Adjudicator  
Bureau of Public Transportation