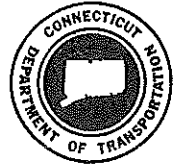


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:  
(860) 594-2875

DOCKET NUMBER 1303-C-193-T

RE: IN THE MATTER OF THE CITATION OF NORWALK TAXI, INC  
D.B.A. NORWALK TAXI.

Final Decision

October 16, 2013

## I. INTRODUCTION

### A. General

By citation dated June 5, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, Norwalk Taxi, Inc. d.b.a. Norwalk Taxi (hereinafter "respondent"), holder of Certificate Number 1119, 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 1119, 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-96-32 (4) (b) Driver ID
2. 13b-96-41 (c) Operating a cab in an unsafe condition
3. 13b-96-43 (a) (2) Body damage
4. 13b-96-43 (b) (6) Damaged seats
5. 13b-96-43 (a) (3) Paint
6. 13b-86-43 (a) (7) Cracked Lens
7. 13b-96-49 (a) Failure to inspect vehicles regularly

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 October 1, 2013.

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

Rock Shtufaj appeared pro se on behalf of the respondent. The respondent's mailing address is 163 Connecticut Avenue, Norwalk, CT 06854.

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 1119 and is authorized to operate in taxicab service.

2. On May 22, 2012, the Department of Transportation along with the Department of Motor Vehicles conducted an inspection of taxicabs at the Norwalk Train Station.

3. One of respondent's vehicles, T3195T, was cited for violation of the Regulations of Connecticut State Agencies Section 13b-96-43 (b) (6) for having a damaged seat and arm rest, 13b-96-43 (a) (2) for front bumper damage, Section 13b-96-41 (c) for a broken mirror, air bag light, ABS light and check engine light, Section 13b-96-43 (a) (7) for a broken lens and battery not secure and Section 13b-96 43(b) (6) for a cracked rear seat.

4. Respondent's vehicle T4476T was cited for 13b-96-41 (c) for a broken seat belt and ABS light, Section 13b-96-43 (b) (6) for rear seat damage and Section 13b-96-41 (c) for a loose fuse block and battery.

5. Respondent's vehicle with interchangeable plates T4179T/T5469T was cited for violations of Section 13b-96-32 (b) no driver ID, Section 13b-96-41 (c) headlight loose, Section 13b-96-43 (a) (2) body damage, Section 13b-96-(a) (3) paint and Section 13b-96-43 (b) (6) for rear seat damage.

6. Mr. Shtufaj admits that the violations occurred but testified that that these vehicles are no longer in service and were owned by the drivers and not his company.

7. This is the first time respondent has appeared in a citation hearing.

### III. DEPARTMENT ANALYSIS

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.

Mr. Shtufaj complained that the department is not being consistent in its enforcement of the regulations. Some operators get no penalty for violations while others face fines. Mr. Shtufaj is correct in that sanctions applied for violations of the regulations should be applied uniformly to all operators. While the department strives to do that, sometimes there may be inconsistencies which should be rectified. The department must make every possible effort to handle each operator in a fair and consistent manner.

These particular violations are minor in nature and are primarily cosmetic and the respondent has not had a previous citation hearing before. Based on those facts, the respondent will be assessed a small civil penalty of \$75.

### 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 seventy-five dollars (\$75), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty (30) days from the date of this final decision.

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 16th day of October 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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