

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

DOCKET NUMBER 1304-C-228-L
(Complaint No. LV04-1613-10)

RE: IN THE MATTER OF THE CITATION OF
CHAUFFEURED LIMOUSINE SERVICE, INC. D/B/A
SERLIN INTERNATIONAL LIMOUSINE SERVICE.

Final Decision

September 19, 2013

I. INTRODUCTION

A. Background

By citation dated May 24, 2013, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Chauffeured Limousine Service, Inc. d/b/a Serlin International Limousine Service (hereinafter "respondent"), holder of Livery Permit Number 2310, was ordered to come before the department to answer 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 Permit Number 2310 for operation of livery service should not be suspended or revoked or a civil penalty imposed for violation of the conditions of its permit, which was issued pursuant to Connecticut General Statutes Section 13b-102, et seq.

More specifically, the respondent was cited for violation of the following:

- Connecticut General Statutes Section 13b-103 for operating a taxicab in livery service;
- Regulations of Connecticut State Agencies Section 16-325-7 for failing to charge livery rates as filed with the department;
- Regulations of Connecticut State Agencies Section 16-325-9 for operating unapproved vehicles in livery service and
- Regulations of Connecticut State Agencies Section 16-325-2 for operation of noncomplying vehicles in livery service.

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 August 27, 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.

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

Chauffeured Limousine Service, Inc. d/b/a Serlin International Limousine Service appeared through, and was represented by Jeffrey Serlin, its owner. The respondent's mailing address is 569 Commerce Drive, Fairfield, Connecticut 06824.

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

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2310 and is authorized to operate motor vehicles in general livery service within Connecticut.
2. The respondent company, Chauffeured Limousine Service, Inc. is also authorized to operate motor vehicles in taxicab service under taxicab Certificate Number 1220, trade name Red Dot Taxi.
3. On April 15, 2013, the Regulatory and Compliance Unit of the department received a written complaint from Ray Longo that on April 1, 2013, the respondent was "operating livery cars as taxis with meters and lights on top of them. Also, operating black livery cars with no identification on the car with taxi plates on them." Department's Exhibit No. 3.
4. The Regulatory and Compliance Unit also received a photograph of a vehicle bearing livery marker plate L7528L that was outfitted with a dome light that said "TAXI." Department's Exhibit No. 4.
5. Department's Exhibit No. 5 shows the right passenger side of a vehicle with taxicab lettering for Red Dot Taxi on the passenger side of the car and a dome light. The car looks parked.
6. By admission, the respondent operates vehicles marked as taxicab vehicles in livery service with livery marker plates.

7. The respondent stopped the practice of using taxicab vehicles for livery service.
8. The respondent was cited with a violation by the department in a final decision assigned Docket No. 1205-C-79-L for operating a vehicle intrastate without a permit and failure to display proper plates.

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.

The respondent is holder of Permit Number 2310 and is authorized to operate vehicles in livery service under that permit. The respondent also operates Red Dot Taxi. The owner of the company testified that the respondent does operate taxicab vehicles in livery service and is under the impression that such operation is proper if the livery tariff is followed and if the vehicle bears a livery marker plate. However, this is not the case.

Connecticut General Statutes Section 13b-101 defines motor vehicle in livery service as including "every motor vehicle used by any persons, association, limited liability company or corporation which represents itself to be in the business of transporting passengers for hire, *except* (1) any motor bus and *any taxicab* (emphasis added) operated under a certificate of public convenience and necessity. . . ."

If a vehicle is registered for a certain type of transportation, then that vehicle cannot be used to provide another form of transportation. The respondent is not at liberty to place on that vehicle any marker plate it likes. A vehicle must be registered for a particular type of service and must go through inspection as a particular type of commercial vehicle.

The photo showing a car with a taxi dome light bearing livery plates is in violation of the livery statutes and regulations.

IV. CONCLUSIONS OF LAW

Based on the above, Chauffeured Limousine Service, Inc. d/b/a Serlin International Limousine Service, is in violation of its permit issued in accordance with Connecticut General Statutes Section 13b-103 and will be assessed a civil penalty, taking into consideration a prior violation which occurred within the past year.


V. ORDER

The respondent is hereby ordered to pay to the Department of Transportation a civil penalty in the amount of ONE THOUSAND HUNDRED DOLLARS (\$1,000), by certified check, bank check or money order made payable to the Treasurer, State of Connecticut," within thirty days from the date of the final decision.

Failure to pay the civil penalty may subject Chauffeured Limousine Service, Inc. d/b/a Serlin International Limousine Service to further citation proceedings. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 19th day of 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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