



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-234-T

RE: IN THE MATTER OF THE CITATION OF PATRICK E. FOLTZ
D.B.A. PORT CITY TAXI.

Final Decision

August 6, 2013

I. INTRODUCTION

A. General

By citation dated April 26, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Patrick E. Foltz d.b.a. Port City Taxi (hereinafter "respondent"), holder of Certificate Number 1151, 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 1151, 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 with three of its taxicabs bearing license plates T4950T, T4868T and T5473T as follows:

1. 13b-96-32 Comment Card (T4868T) or Driver ID (T4868T, T4950T)
2. 13b-96-38 Unsealed Taxi Meter (T4868T)
3. 13b-96-41 (7) Fire Extinguisher Not Secured (T4868T, T5473T)
4. 13b-96-41 Fire Extinguisher Empty (T4950T)
5. 13b-96-43 (a) Bumper Damage (T5473T)
6. 13b-96-43 (b) (2) Failure to Keep Seat Clean of Litter (T5473T)
7. 13b-96-49 Failure to Inspect Regularly (T4868T, T4950T, T5473T)

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 July 25, 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

Patrick E. Foltz appeared pro se on behalf of the respondent. The respondent's mailing address is 828 Colonel Ledyard Highway, New London, CT 06339.

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 taxicab certificate 1151 and is authorized to operate four (4) taxicabs in Groton, Montville, New London and Waterford.
2. During a joint sting operation on or about May 30, 2013, Department of Motor Vehicles and Department of Transportation ticketed three of the respondent's vehicles for violations.
3. The taxicab with plate T4868T was found in violation of Connecticut General Statutes Section 13b-96-32 for no comment card and no driver ID, Section 13b-96-38 for an unsealed taxi meter, Section 13b-96-41 for fire extinguisher not secured and Section 13b-96-49 for the failure to inspect regularly.
4. The taxicab with plate T4950T was found to be in violation of the Regulations of Connecticut State Agencies Section 13b-96-32 for no driver ID, Section 13b-96-41 (7) for an empty fire extinguisher and Section 13b-96-49 for failure to inspect regularly.
5. The taxicab with plate T5473T was found to be in violation of the Regulations of Connecticut State Agencies Section 13b-96-41 (7) for fire extinguisher not secured, Section 13b-96-43 (a) for bumper damage, section 13b-96-43(b)(2) for failure to keep seat clean of litter, Section 13b-96-49 for failure to inspect regularly and Section 13b-96-38 for an unsealed taxicab meter.
6. Mr. Foltz admits that his vehicles had violations which he promptly corrected.

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.

The respondent agrees that there were violations as described in the hearing notice but says that they were corrected immediately. Some of the violations are primarily cosmetic in nature and some are more serious. For the violations that are primarily cosmetic in nature the respondent will be assessed a civil penalty of \$25 for the dirty cab, \$30 for the bumper damage and \$50 for the body damage and \$150 for the failure to inspect the three taxicabs.

On the more serious violations, the respondent will be assessed \$300 total for the three fire extinguisher violations and \$300 total for the three the driver ID and comment card violations. This results in a total civil penalty of eight hundred and seventy five dollars (\$875).

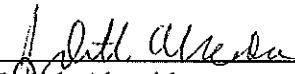
IV. ORDER

Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of eight hundred seventy-five (\$875), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within sixty (60) 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 6th day of August 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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