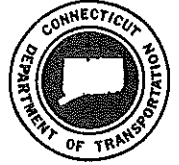




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

DOCKET NUMBER 1307-C-290-L
(Case No. LV-1913-18)

RE: IN THE MATTER OF THE CITATION OF ALPINE
WORLDWIDE CHAUFFEURED SERVICES, LLC.

Final Decision

December 10, 2013

I. INTRODUCTION

A. Background

By citation dated September 11, 2013, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Alpine Worldwide Chauffeured Services, LLC (hereinafter "respondent"), holder of Livery Permit Number 3276, 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 3276, for the registration of its interstate livery authority, should not be suspended or revoked or a civil penalty imposed for violation of its permit, issued in accordance with Connecticut General Statutes Section 13b-103.

More specifically, the respondent is alleged to have violated its permit by:

- Operating without a permit in violation of Connecticut General Statutes Section 13b-103;
- Operating without a proper public service operator's license in violation of Regulations of Connecticut State Agencies Section 16-325-6;
- Operating without a commercial driver's license in violation of Connecticut General Statutes Section 14-44(a); and
- Operating without displaying proper plates in violation of Connecticut General Statutes Section 14-27(d).

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 November 19, 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.

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

C. Appearances

Alpine Worldwide Chauffeured Services, LLC appeared, without counsel, through Edilson Forero, owner of the company.

Eugene Morris, Transportation Public Transit 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 3276 and is authorized to operate vehicles in interstate livery service from a headquarters in New Canaan, Connecticut.
2. On June 1, 2013, the Department of Transportation and the Department of Motor Vehicles conducted a combined enforcement venture in Stamford for the inspection of livery vehicles.
3. Dennis King, manager of the Regulatory and Compliance Unit of the department, was present at the enforcement venture on June 1, 2013.
4. A vehicle bearing marker plate Z9892Z, registered to the respondent, was stopped for inspection.
5. The respondent's driver was issued a complaint ticket for failing to have a properly endorsed license and for providing an intrastate trip without a permit.
6. The driver of the Z-plated vehicle was providing a ride to the prom for his nephew and the nephew was not charged for the trip.
7. The respondent appeared in court on the complaint ticket on June 20, 2013. The respondent entered a plea of not guilty, but the owner of the company realized that he would have to undergo over-burdensome legal fees to go to trial, so the respondent paid a \$75 fine to dispose of the court matter.
8. On July 23, 2013, the department sent the respondent a letter pursuant to Connecticut General Statutes Section 13b-103(c) providing notice of an alleged violation and advising that an opportunity for hearing would be provided should allegations be sustained.

9. Prior to the imposition of a civil penalty under Connecticut General Statutes Section 13b-103(c) the department shall provide notice to the respondent no later than fifteen business days after receipt of information concerning an alleged violation and shall provide an opportunity for a hearing.
10. The respondent has no citations on its record.

III. DISCUSSION AND CONCLUSIONS OF LAW

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.

Edilson Forero, the owner of the company, testified that the trip that was provided was not a hired trip; Forero arranged for the car to give his nephew a ride. The respondent introduced a letter that from his sister-in-law explaining that the trip was not hired and was provided as a gratuitous trip for her son, who was not a client. While the respondent should not have used a Z-plated vehicle for such a trip, it was a minor transgression, especially since the ride provided was not a business trip.

Prior to imposition of a civil penalty, the respondent must be provided with notice of the allegations no later than 15 business days. The department sent notice to the respondent on July 23, 2013, some 36 business days after the incident. Dennis King was present at the enforcement venture and had knowledge of the complaint as of June 1, 2013. Given that notice of the allegation was not provided to the respondent within the statutory time limits, as required by C.G.S. Section 13b-103(c), and that the violation alleged in this matter did not pose an imminent threat to public safety, the matter will be dismissed.

IV. ORDER

Based on the foregoing, the citation of Alpine Worldwide Chauffeured Services, Inc. is hereby dismissed.

Dated at Newington, Connecticut on this 10th day of December, 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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