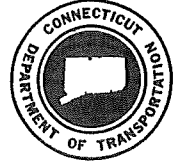


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone: (860) 594-2875

DOCKET NUMBER 1307-C-292-L
(Case No. LV07-1913-20)

RE: IN THE MATTER OF THE CITATION OF
STAMFORD PLAZA LIMOUSINE, INC.

Final Decision

December 16, 2013

I. INTRODUCTION

A. Background

By citation dated September 16, 2013 and issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Stamford Plaza Limousine, Inc. (hereinafter "respondent"), holder of Livery Permit Number 3245 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 3145 for the registration of interstate authority should not be suspended or revoked or a civil penalty imposed for violation of its permit issued pursuant to Connecticut General Statutes Section 13b-102, et seq.

More specifically, the respondent was cited for :

- Operating intrastate livery without a permit in violation of Connecticut General Statutes Section 13b-103 and
- Operating and unregistered motor vehicle in violation of Connecticut General Statutes Section 14-12(a)

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 26, 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.

The undersigned 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

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

The respondent appeared through its owner, Edmond McConney whose mailing address is 1611 Washington Boulevard, #6, Stamford, Connecticut 06902.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 3145 and is authorized to operate a motor vehicle in interstate livery service from a headquarters in Stamford, 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 Z2022Z, registered to the respondent, was stopped for inspection. The vehicle was found to be unregistered.
5. The Edmond McConney, the owner and driver was issued a complaint ticket for providing an intrastate trip without a permit and for having an unregistered vehicle.
6. The vehicle was towed from the scene.
7. McConney was providing a ride for the son of a friend of McConney as a favor. There was no charge to anyone for the trip.
8. At the scene, McConney tried to show the Department of Motor Vehicle officer his cancelled check for the registration cost, but the officer could not find that the vehicle was registered.
9. The respondent appeared in court on the complaint ticket on June 20, 2013. The respondent paid costs and the ticket was dismissed.
10. 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.
11. 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.

12. The respondent has no violations or citations on its record.
13. The respondent sent a check dated April 19, 2013 for the registration of the vehicle in question which was posted on April 26, 2013.
14. The respondent's vehicle registration is current.

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.

The evidence in this matter shows that the respondent is holder of Permit Number 3145 and is authorized to operate vehicles in interstate livery service from a headquarters in Stamford. The owner of the company, Edmond McConney testified that the trip that he provided was not a hired trip – rather, McConney was doing a favor for a friend by dropping off the friend's son and girlfriend to the Stamford Marriott. 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.

Moreover, the respondent's vehicle, when checked by the DMV officer, showed as being unregistered. The respondent's vehicle was towed as a result. McConney provided a copy of a check, cleared through his bank, that was written to the DMV for registration of his vehicle. Although it is not clear why the vehicle came up as unregistered, the respondent is now properly registered. The matter was dismissed by the court.

Lastly, 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.

Based on the foregoing, the instant matter is hereby dismissed.

Dated at Newington, Connecticut on this the 16th day of December 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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