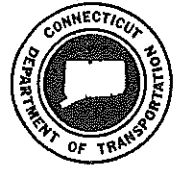




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1307-C-295-L

RE: IN THE MATTER OF THE CITATION OF ELITE LIMOUSINE SERVICE,
INC. D.B.A. GARDELLAS ELITE LIMOUSINE SERVICE.

Final Decision

October 28, 2013

I. INTRODUCTION

A. General

By citation dated September 5, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Elite Limousine Service Inc. d.b.a. Gardella's Elite Limousine Service (hereinafter "respondent"), holder of Permit Number 2341, 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 Permit Number 2341, issued for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its certificate pursuant to Connecticut General Statutes Section 13b-103, et seq.

More specifically, it is alleged that the respondent violated Connecticut General Statute Section 13b-103 for operating intrastate without a permit and Section 14-27(d) for failing to have a correct registration.

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-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on October 17, 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-103, 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

Steve Schiano appeared pro se at the citation hearing. The respondent's mailing address is P.O. Box 2299, Norwalk, Connecticut 06852.

Eugene Morris, Transportation Public Transit Inspector with the Regulatory and Compliance Unit, presented evidence on behalf of the department.

II. FINDING OF FACT

1. The respondent was stopped on June 1, 2013, in Stamford at a joint DMV/DOT enforcement action.
2. Mr. Dennis King, Manager of the Regulatory & Compliance Unit, was present at the enforcement action.
3. The respondent is cited for violations of Connecticut General Statute Section 13b-103 for operating intrastate without a permit and Section 14-27(d) for failing to have a correct registration.
4. On July 23, 2013, the department sent to the respondent a warning letter in accordance with Connecticut General Statute Section 13b-103 (c). The warning letter was sent well beyond the fifteen day period.

5. The respondent admits that his company performed an illegal intrastate livery trip with a vehicle that had an interstate license plate. Mr. Schiano was on vacation when the incident occurred. He also stated that the company had the ability to place into livery service an extra intrastate license plate if the company had registered the vehicle in a timely fashion.

III. CONCLUSION

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-103, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one thousand dollars per day for each violation.

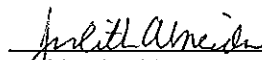
The respondent admits to performing an intrastate trip without authority but points out correctly that the warning letter was sent to him well beyond the statutory fifteen days. According to Connecticut General Statute 13b-103 (c), the warning letter must be sent within fifteen days from the date the department receives knowledge of the violation. Since Mr. King was present on June 1, 2013, per the DMV report, that is the date the fifteen days starts to run. The warning letter was finally sent on July 23, 2013, which is well beyond the fifteen days.

IV. ORDER

Based on the above, the citation action against Elite Limousine Service Inc. d.b.a. Gardella's Elite Limousine Service will be dismissed.

Dated at Newington, Connecticut on this the 28th day of October 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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