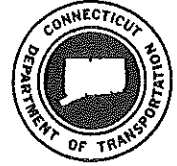




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1410-C-178-L

RE: IN THE MATTER OF THE CITATION OF PEOPLES TRANSIT, LLC.

FINAL DECISION

DECEMBER 19, 2014

I. INTRODUCTION

A. General

By citation dated November 19, 2014, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Peoples Transit, LLC. (hereinafter "respondent"), holder of Livery Permit Number 3261, 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 3261, 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 Statutes Sections 14-29 and 13b-102 for failure to insure and register vehicles under its livery permit.

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 December 11, 2014.

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

Mirza Sadigov, the manager/owner of the respondent appeared at the hearing. The respondent was represented by attorney Polina Bodner Shapiro who has a mailing address of 650 Farmington Avenue, Hartford, Connecticut 06105.

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

II. ADMINISTRATIVE NOTICE

Administrative Notice was taken of the following final decisions:

1. 1103-C-21-L & 0709-C-150-L Wilson Limousine
2. 1104-C-37-L Central Park Limousine
3. 0709-C-125-L Quality Limousine

III. FINDINGS OF FACT

1. The respondent has been operating a livery business for over three years. Mirza Sadigov and his brother own and operate the business.

2. In late August 2014, the manager, Mirza Sadigov, left the country for a month without paying the insurance bill.

3. On August 22, 2014, Progressive insurance cancelled the respondent's insurance for failure to pay its August bill.

4. On October 15, 2014, the Department of Motor Vehicles cancelled the registration on all of the respondent's license plates.

5. The respondent was operating eight vehicles during the time it did not have insurance.

6. On September 17, 2014, Progressive returned the respondent's September insurance payment with a note that its policy had been cancelled.

7. On October 30, 2014, the respondent got into an accident when it did not have insurance. The respondent subsequently reached a financial settlement with the other party to the accident. The individual involved in the accident has declined to testify.

8. The respondent reactivated its insurance with Progressive on October 31, 2014, but did not register its livery vehicles until November 5, 2014.

9. The respondent operated its livery vehicles without insurance for sixty-nine (69) days.

10. The respondent failed to have any vehicles registered for twenty (20) days.

IV. 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.

As of August 22, 2014, the respondent did not have any insurance on its livery vehicles. The respondent finally retained insurance on October 31, 2014, some sixty-nine (69) later. Respondent's vehicles were unregistered from October 15, 2014 until November 5, 2014, twenty (20) days.

Mr. Sadigov claims that he inadvertently failed to pay the insurance bill before leaving the country at the end of August 2014. He also claims that he did not realize that the company had no insurance until late September 2014 when he received the September insurance payment back with a note telling him of the insurance cancellation. It does not matter when the respondent found out he had no insurance because it is the respondent's responsibility to pay its bill and maintain its insurance.

On October 30, 2014, one of the respondent's unregistered and uninsured vehicles was in an accident. The other party to that accident has been financially compensated by the applicant so he decided not to appear to testify against the respondent in this matter.

Respondent points to several cases as a guide to what civil penalty it should receive. In Quality Limousine, Docket Number 0709-C-125-L and Central Park in Docket Number 1104-C-37-L the respondents failed to appear in those cases and their livery permits were revoked. Since the respondent appeared in this matter, these cases do not apply. In addition, the department can revoke an operator whether they appear in a hearing or not.

Likewise, the respondent argues that there are two cases for Wilson Limousine in Docket Number 0709-C-150-L and 1103-C-21-L which should act as a guide for any the civil penalty amount to be assessed. These two cases are only on point as to the failure to register a livery vehicle. In Docket Number 0709-C-150-L, the respondent, Wilson Limousine, was cited for failure to register a livery vehicle, not for failure to have insurance. Likewise in Docket Number 1103-C-21-L, Wilson Limousine was again cited for failing to maintain a registered vehicle, not for failure to have insurance. There was no proof in either hearing that Wilson Limousine operated in livery service without insurance and the company was never cited for such. Wilson was issued both a \$500 and \$750 civil penalty for failing to register a livery vehicle.

Failure to have insurance is one of the most egregious violations a livery company can commit against the public. It will not be tolerated by the Department and the respondent will be issued a civil penalty commensurate with its violation.

The respondent knowingly operated its livery vehicles while it had no insurance and in fact caused harm to the public in an accident on December 30, 2014. For this violation, the respondent could receive a civil penalty of \$69,000, which is \$1,000 for each of the sixty-nine (69) days the respondent failed to have insurance. Since the respondent was candid in its testimony that it knowingly operated without insurance, the department will assess the respondent a \$15,000 civil penalty for failure to have insurance. Less of a civil penalty would not express the seriousness of what the respondent has subjected the public to. With regard to the failure to register vehicles, the respondent will be assessed an additional \$750 for a total civil penalty of \$15,750.

V. ORDER


Based on the above, the respondent, Peoples Transit, LLC is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of \$15,750 (FIFTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS) 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 immediate 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 19th day of December 2014.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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