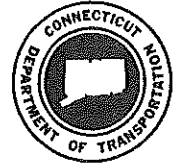




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

DOCKET NUMBER 1411-C-200-L

RE: IN THE MATTER OF THE CITATION OF RIVA'S RIDES,  
LLC.

Interim Final Decision

April 15, 2015

## I. INTRODUCTION

### A. Background

By citation dated January 9, 2015, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Riva's Rides, LLC (hereinafter "respondent"), holder of Livery Permit Number 3317 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 3317 for the operation of livery service should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-102, et seq., and Regulations of Connecticut State Agencies Sections 16-325-9 Operating in handicap livery service with an unapproved vehicle and 16-325-25 for using a non-complying vehicle in livery service.

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 February 19 and March 30, 2015.

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

### C. Appearances

The respondent appeared through Riva Shoshana, its owner, and was represented by W. Martyn Philpot, Jr., Esq. whose mailing address is 409 Orange Street, New Haven, Connecticut 06511.

Richard Majka, Public Transportation Transit Inspector with the Regulatory and Compliance Unit of the department, presented the evidence in this matter.

## II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 3317 and is authorized to operate one (1) motor vehicle having a seating capacity of ten adults or less, in livery service for handicapped and elderly persons from a headquarters in Danbury to all points in Connecticut.
2. The respondent's authority was issued on July 30, 2013.
3. On July 3, 2013, the respondent sent an email to Eugene Morris, asking about getting an inspection based on a bulk mailing from the department to make appointments for inspections. The respondent received no response.
4. Connecticut General Statutes Section 13b-105 provides in pertinent part ". . . [N]o applicant shall be issued a temporary or permanent permit unless such applicant's motor vehicle meets the requirements of subsection (e) of section 14-100a. . ."
5. The applicant registered and put into service a minivan for the transportation of handicapped persons in wheelchairs or with other disabilities without inspection.
6. Upon a complaint received by the department, inspector Rich Majka researched department records for an inspection report of the vehicles for Riva's Rides, LLC and found none. Inspector Majka advised the respondent of the pending investigation of the respondent's vehicle by letter dated November 26, 2014.
7. The November 26, 2014 letter advised the respondent that minivans were not approved to carry wheelchairs in livery service.

## III. DISCUSSION

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 issue to be determined in this matter is whether the respondent is in fact in violation of the requirement to have its vehicle inspected and if the respondent is operating a vehicle that is not approved for the service authorized. Both of these questions are answered in the affirmative.

At the outset, the respondent made a verbal motion to dismiss the matter based on the fact that the Regulatory and Compliance Unit did not provide all of the information relative to the citation, in accordance with the bill of particulars filed by the respondent. The motion was denied.

Although the investigation was commenced because of a complaint made by another livery provider regarding the respondent's minivan and that complaint was not disclosed, it does not relieve the respondent of the obligation of operating a vehicle that complies with the requirements of a vehicle used in the transportation of wheelchairs in livery service in the State of Connecticut. Failure to have a suitable vehicle on the road providing rides for elderly and handicapped persons directly affects the safety of the general public.

The attending circumstances of this case are what prevent the clear cut resolution of these violations. The owner of the respondent, Riva Shoshana, argues that she did not know she was supposed to get her vehicle inspected. The Regulations of Connecticut State Agencies require such inspection. Shoshana, and any livery provider, should be aware of the regulations and statutes that govern their business. In the State of Connecticut, minivans are not approved to carry wheelchairs in livery service.

Because of the general miscommunication and confusion on the part of all parties associated with this matter, the respondent will be afforded an opportunity to bring its vehicle into compliance without penalty. If, however, the respondent fails to meet the deadline for said compliance, a civil penalty will be assessed, daily, until such compliance is made.

#### IV. CONCLUSIONS OF LAW

Riva's Rides, LLC violated its permit, issued pursuant to Connecticut General Statutes Section 13b-102 by failing to have its vehicle inspected and for providing livery for handicapped persons in wheelchairs with said vehicle, in violation of Regulations of Connecticut State Agencies Sections 16-325-9 and 16-325-25, respectively.

#### V. ORDER

The respondent is hereby ordered to register a compliant vehicle for the transportation of elderly and handicapped persons by September 1, 2015, and to file with this hearing officer, no later than August 31, 2015, an inspection report from Department of Transportation, Regulatory and Compliance inspectors, showing a compliant vehicle. If said date is met, this citation matter will be dismissed.

Failure to meet the August 31, 2015 deadline for compliance will subject the respondent to a civil penalty assessed at the cost of \$200 per day, for each day of the week, until said compliance is made. Imposition of the civil penalty will commence on September 1, 2015 if the inspection report is not filed with this hearing officer by the close of business on August 31, 2015.

A Final Decision will be issued with either the dismissal of this citation if compliance is made, or the assessment of the civil penalty based on the number of days the non-complying vehicle is in operation, commencing on the first day of September 2015.

Dated at Newington, Connecticut on this the 15<sup>th</sup> day of April 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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