

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1508-C-101-L

RE: IN THE MATTER OF THE CITATION OF FIRST  
CLASSIC LIMOUSINE, LLC.

Final Decision

November 16, 2015

## I. INTRODUCTION

### A. Background

By citation dated August 25, 2015, and issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, First Classic Limousine, LLC (hereinafter "respondent"), holder of Livery Permit Number 3159, 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 3159, for operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its permit, issued pursuant to Connecticut General Statutes Section 13b-103 for failure to maintain its Federal Motor Carrier Safety Administration authority in good standing, in violation of General Statutes Section 13b-102(b), and for failing to maintain insurance, in violation of Connecticut General Statutes Section 14-29.

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 October 20, 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.

A 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

The Regulatory and Compliance Unit appeared through, Public Transit Inspector Carlos Redick. Redick presented the evidence on behalf of the department.

First Classic Limousine, LLC appeared through Walter Rosclair, its owner. The respondent's mailing address is 10 Suncrest Road, Norwalk, Connecticut 06854.

D. Late Filed Evidence

The respondent was afforded an opportunity to provide any evidence to support Rosclair's contention that the respondent's vehicles were all insured, or were not in operation. None was forthcoming. At the request of the undersigned hearing officer, the respondent was asked to provide evidence from its insurance company of coverage since the revocation of its Federal Motor Carrier Safety Administration's authority. That letter was submitted on November 5, 2015.

II. FINDINGS OF FACT

1. On July 20, 2015, it came to the department's attention that the respondent's Federal Motor Carrier Safety Administration (hereinafter "FMCSA") authority was revoked as of September 22, 2014. The FMCSA authority was revoked for failure of the respondent to maintain insurance.

2. The respondent had an insurance policy in effect through June 15, 2015 covering at least some of its vehicles but not all of them. That policy was cancelled on June 15, 2015.

3. On July 4, 2015, the department sent the respondent a 30-day warning letter to come into compliance by insuring its vehicles.

4. The respondent provided proof to the department of insurance coverage effective beginning August 20, 2015.

5. The respondent's FMCSA authority was reactivated on September 4, 2015.

6. Based on the records provided, the respondent operated six cars over the course of the last year. All of those vehicles were uninsured for varying lengths of time.

7. The respondent's 2006 Lincoln, bearing Vehicle Information Number (hereinafter "VIN") 1LNHM84W46Y645941 (hereinafter "car 1"), was covered by insurance effective 9/26/14 and expired 10/28/14.

8. The respondent operated car 1 without insurance from 10/29/14 until 8/20/15 (the day that insurance was reinstated with proof to the department), or *295 days*.
9. The respondent's 2007 Lincoln, bearing VIN 1LNHM81V77Y629682 (hereinafter "car 2"), was covered by insurance effective 9/26/14 to 10/29/14.
10. The respondent operated car 2 without insurance from 10/30/14 until 8/20/15 - 9 months and 24 days, or *294 days*.
11. The respondent's 2008 Lincoln, bearing VIN 1LNHM85V28X636597 (hereinafter "car 3"), was covered by insurance effective 9/26/14 to 6/15/15.
12. The respondent operated car 3 without insurance from 6/16/15 until 8/20/15, or *65 days*.
13. The respondent's 2013 Lincoln, bearing VIN 1LMHJ5NK9DBL59441 (hereinafter "car 4"), was covered by insurance effective 9/26/14 to 1/19/15.
14. The respondent operated car 4 without insurance from 1/20/15 until 8/20/15, or *212 days*.
15. The respondent's 2007 Lincoln, bearing VIN 1LNHM84W67Y623506 (hereinafter "car 5"), was covered by insurance effective 9/26/14 to 10/29/14.
16. The respondent operated car 5 without insurance from 10/30/14 until 8/20/15, or *294 days*.
17. The respondent's 2006 Ford, bearing VIN FMEY7526UA18241 (hereinafter "car 6"), was covered by insurance effective 1/19/15 to 6/15/15.
18. The respondent operated car 6 without insurance from 6/16/15 until 8/20/15, or *65 days*.
19. Altogether, the respondent operated six cars without insurance for 1,225 car-days (car 1 @ 295 days + car 2 @ 294 days + car 3 @ 65 days + car 4 @ 212 days + car 5 @ 294 days + car 6 @ 65 days).

### 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, in accordance with Connecticut General Statutes Section 13b-102, et seq. Section 13b-103(c) provides in pertinent part: “. . . [T]he department may amend or, for sufficient cause shown, may suspend or revoke any such permit. The department may impose a civil penalty on any person or any officer of any association, limited liability company or corporation who violates any provision of this chapter or any regulation adopted under section 13b-102 with respect to fares, service, operation or equipment, in an amount not to exceed one thousand dollars per day for each violation. . .”

In this case, First Classic Limousine, LLC came to the department's attention for having been revoked by the FMCSA in September 2014 for failure to maintain insurance. The evidence shows that the respondent's six vehicles were uninsured for several months. The record is silent as to why it took almost one year for the department to be notified of the FMCSA's revocation of the respondent's authority. Once the Regulatory and Compliance Unit learned of the revocation, the respondent was contacted.

Walter Rosclair, the owner of the respondent company testified that the company was insured until June 2015. He testified that he operated without insurance, but for only a few months, from June 2015 when his insurance was cancelled, until August 20, 2015 when he provided proof of insurance to Carlos Redick of the department's Regulatory and Compliance Unit.

Rosclair provided a document from the Department of Motor Vehicles (hereinafter "DMV") threatening to cancel the respondent's registrations if proof of insurance was not provided prior to the cancellation of its insurance. Rosclair failed to provide such proof of insurance to the DMV and his registrations were cancelled. He was then cited by the Regulatory and Compliance Unit of the department, at which time he reinstated his insurance.

Rosclair testified vehemently that he was insured the entire time he was operating, until June 2015. Rosclair was afforded every opportunity to provide documentation to support his claim that his vehicles were insured during the time in question. Upon this hearing officer's request, Rosclair provided a statement from his insurance company detailing the respondent's insurance coverage history. The insurance coverage detail showed that the respondent was not covered by insurance for a total of 1,225 days (calculated by counting each day that each of the respondent's vehicles was uninsured).

Every customer transported by First Classic Limousine, LLC in one of those uninsured cars was at risk for not being compensated for injuries received if the respondent's vehicle had been involved in an accident. Failure to maintain insurance is the most serious violation that can have the largest negative impact on the public.

In the matter of the *Citation of Alpine Worldwide Chauffeured Services, LLC*, Docket No. 1410-C-169-L and 1410-C-170-L, Department of Transportation Final Decision (December 22, 2014), Alpine Worldwide Chauffeured Services, LLC operated nine vehicles without insurance for approximately six (6) weeks (or 42 days) and was assessed a civil penalty of \$15,000. That penalty equates to approximately \$40 per day per vehicle, for each of the nine vehicles operated by the respondent. Each day a vehicle is uninsured subjects the respondent to a maximum civil penalty of \$1,000 per day. Connecticut General Statutes Section 13b-102.

Applying the *Alpine Worldwide* precedent to the instant case results in a civil penalty of \$49,000. This penalty reflects the conclusion that the respondent was operating a livery vehicle without insurance for a total of 1,225 days at \$40 per day.

While this hearing officer is mindful that this is a substantial civil penalty and its burden may put the company out of business, it is supported by the evidence. The respondent's owner falsely testified that the company's vehicles were ***properly*** insured from September 2014 when its FMCSA authority was revoked until June 15, 2015 when he acknowledged his policy was cancelled. The respondent's own insurance records don't support such testimony. The respondent nonetheless admitted that he *knowingly* continued to operate his uninsured fleet of vehicles during the period from June 15, 2015, when his insurance was fully cancelled, to August 20, 2015 when it was fully reinstated. The respondent's actions showed no regard for the seriousness of the violation of operating a livery vehicle without insurance. As such, the civil penalty will be assessed to ensure that this operator, and all operators similarly situated, understands that failing to maintain insurance is a very serious matter. Such violations in the future may be assessed at the statutorily permissible amount of \$1,000 per day, per violation.

In addition to the above, the respondent failed to maintain its FMCSA registration. This violation of Connecticut General Statutes Section 13b-102 will be assessed a civil penalty of \$750.

#### IV. CONCLUSIONS OF LAW

The respondent operated its six (6) vehicles without insurance coverage for a total of 1,225 (calculated at one day, per vehicle, per day each of the respondent's cars was operated while uninsured). The respondent failed to maintain insurance for said number of days, in violation of Connecticut General Statutes Section 14-29, and as such, violated the terms of its livery permit, issued pursuant to Connecticut General Statutes Section 13b-103. The respondent also failed to maintain its FMCSA registration, in violation of Connecticut General Statutes Section 13b-102.

#### V. ORDER

Based on the evidence of record, the First Classic Limousine, LLC is hereby ordered to pay a civil penalty in the amount of FORTY-NINE THOUSAND SEVEN HUNDRED FIFTY (\$49,750) DOLLARS. This civil penalty represents an assessment of \$40 per day, per vehicle, for the 1,225 days it was operating in livery service without insurance, in addition to failure to maintain its FMCSA registration.

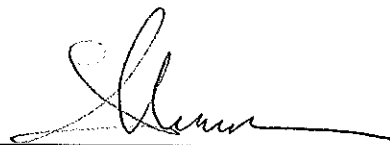
First Class Limousine, LLC is ordered to make this payment by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut" within 90 days of the date of this Final Decision.

Failure of First Class Limousine, LLC to comply with this order shall result in revocation without further proceeding.

This Final Decision constitutes notice within the meaning of Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this 16<sup>th</sup> day November 2015.

#### CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration