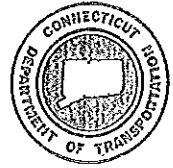




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1508-C-96-L

RE: IN THE MATTER OF THE CITATION OF EXECUTIVE
CAR SERVICE, INC.

Final Decision

October 20, 2015

I. INTRODUCTION

A. Background

By citation dated August 17, 2015, and issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Executive Car Service, Inc. (hereinafter "respondent"), holder of Livery Permit Number 2715 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 2715 for 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. for failure to register its vehicles in violation of Connecticut General Statutes Section 13b-103 and 13b-106 and for failing to maintain a headquarters, in violation of Regulations of Connecticut State Agencies.

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 Valery Seery, License and Applications Analyst for the Unit.

The respondent appeared through Eugene Horne, the president of the respondent. The respondent's address of record is 24 Newfield Street, Norwalk, Connecticut 06850.

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DOCKET NO. 1508-C-96-L

IN THE MATTER OF CITATION OF
EXECUTIVE CAR SERVICE, INC.

STIPULATION AND
ASSESSMENT OF CIVIL PENALTY

STIPULATION

The records of the Department of Transportation ("department") indicate you are the holder of Permit No. 2715. The records of the department further indicate that you are in violation of Connecticut General Statutes 13b-102, 13b-103, and 13b-106, as amended by Public Act 00-148, by violating the terms of the permit which require a permit holder to comply with all pertinent motor vehicle laws and other statutes and /or the Regulations of Connecticut State Agencies.

More specifically:

1) On August 6, 2015, during a routine vehicle records check, it came to the Department of Transportation's attention that Executive Car Service, Inc. has authority to operate nine (9) motor vehicles with a passenger seating capacity of ten (10) adults or less, in general livery service from a headquarters in New Haven. Executive Car Service, Inc. is further permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate Number MC-380726-C. However, our records show only 1 vehicle currently registered to this company. This is a direct violation of CGS Section 13b-103 or 13b-105, which provides that the holder of such permit may apply for registration of any motor vehicle of which such holder is the owner or lessee, to be used as specified in such permit.

2) As a result of this finding, the Department mailed a certified letter to Brian McArdle, Executive Car Service, Inc. giving him two weeks to either register his vehicles or voluntarily reduce his authority to one (1) vehicle. The certified letter came back "return to sender" indicating there is no one at this headquarters location. The Department also attempted to call his 2 phone numbers listed in the file but was unable to leave a message and the phone number did not belong to this company. The Department found 3 other addresses linked to this company name, none of which are located in their headquarters town of New Haven. This is a direct violation of the RCSA Section 16-325-4, which provides that permit holder must have a headquarters where the permit holder or his employee is in attendance.

The maximum civil penalty assessed for each violation is \$1000 per day per occurrence and/or suspension or revocation pursuant to Connecticut General Statutes Section 13b-103.

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Amendment A

NOTICE IS HEREBY GIVEN THAT in the above-referenced matter, the Department of Transportation (hereinafter referred to as "department") and Executive Car Service, Inc. (Hereinafter referred to as "respondent") enter into the following agreement:

THAT pursuant to Connecticut General Statutes Section 13b-103, as amended, the department has jurisdiction over matters concerning the operation of livery vehicles in the State of Connecticut and to determine that a violation of state statutes and/or regulations has occurred; to investigate said violation, to hold a hearing on said violation, to render a final decision and order and to enter into the present agreement;

THAT Executive Car Service, Inc. is the holder of Permit No 2715, who is the respondent in this matter;

THAT a Notice of Citation Hearing was sent to the respondent by certified mail and said notice was received by the respondent;

THAT the respondent is aware of the violations cited against him in the Notice of Hearing and does not desire to contest said allegations;

THAT the respondent expressly waives the right to a citation hearing, oral argument and a petition for reconsideration;

THAT the respondent expressly waives the right to seek judicial review or otherwise challenge or contest the validity of this Agreement;

THAT the respondent hereby acknowledges that any future applications for additional vehicles and/or additional authority filed within six (6) months from this dated stipulation may require an administrative hearing.

THAT the respondent waives any requirement that this Agreement recite findings of fact and conclusions of law other than those contained herein;

THAT the respondent also acknowledges that by signing and agreeing to the terms of this stipulation, the respondent admits to the violation(s) as alleged in the notice of hearing and said stipulation shall be made part of the respondent's record.

THAT the agreements herein shall have the same force and effect as an Order entered after full hearing and that this Stipulation shall constitute a final decision;

AND, THAT the agreements contained herein shall be effective only upon hearing, and order of stipulation through the Administrative Law Unit of the Department of Transportation, who may accept, modify or reject the stipulation.

Executive Car Service, Inc
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TERMS OF STIPULATION

IT IS HEREBY ORDERED THAT:

1. Findings of Fact are hereby entered as alleged in the Notice of Citation Hearing.
2. Conclusions of Law are hereby entered in accordance with the violations enumerated in the Notice of Citation Hearing.
3. The respondent acknowledges the alleged violations referenced in the notice of hearing have been complied with in accordance with Connecticut General Statutes and/or the Regulations of Connecticut State Agencies.
4. The respondent shall provide to the Regulatory and Compliance Unit of the department with evidence of compliance of the alleged violations. Evidence of compliance being: registration of 9 vehicles in livery service and submittal of application for Sale of Livery permit. **Said evidence shall be submitted in full no later than October 21, 2015.**
5. **The respondent shall pay a civil penalty of SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00) submitted in the form of a money order, certified check or bank check payable to "Treasurer, State of Connecticut."**

Payment shall be submitted IN PERSON together with this original document signed by the certificate holder or authorized officer of the certificate holder, no later than (((NOTE: THIS WILL REQUIRE A DATE THAT IS COORDINATED WITH LINDA DILLON FOR THE HEARING SO WE CAN DO BOTH ON THE SAME DAY.))) **Monday, October 21, 2015, 10:00** at the following address:

DOT BUREAU OF PUBLIC TRANSPORTATION
REGULATORY AND COMPLIANCE UNIT
P.O. BOX 317546
NEWINGTON, CT 06131-7546
ATTN: FELIPE BRISENO, STAFF ATTORNEY II
SUPERVISOR REGULATORY AND COMPLIANCE UNIT

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TO BE EXECUTED BY RESPONDENT OR AUTHORIZED OFFICER OF THE RESPONDENT AND DEPARTMENT WHERE APPLICABLE

RESPONDENT OR AUTHORIZED OFFICER:

I hereby subscribe and certify, under penalties of false statement, that the information contained in the STIPULATION in Docket 1508-C-96-L is true to the best of my knowledge and that I am the respondent, or the authorized officer of the respondent, and thereby have the authority to execute this document on behalf of the respondent.

Dated at Newington, Connecticut this 20th day of October, 2015.

Eugene Anne [Signature]
(print name of respondent or authorized officer) (signature of respondent or authorized officer)

DEPARTMENT:

Based on compliance with the aforementioned terms, it is recommended that the Department of Transportation accept this STIPULATION and upon acceptance and hearing, ORDERED accordingly.

Recommendation dated at Newington, Connecticut this 20th day of October, 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

[Signature]

Felipe Briseno, Staff Attorney II
Regulatory and Compliance Unit
Bureau of Public Transportation

*So ordered -
10/20/15
[Signature]
Staff Atty. III
Adm. Law Unit*

II. STIPULATED AGREEMENT

The Regulatory and Compliance Unit reached an agreement with the respondent in settlement of the instant matter.

The Stipulated Agreement is hereby incorporated herein and made a part hereof as Amendment A.

III. ORDER

The Stipulation as agreed on by the parties is hereby accepted and ordered accordingly.

Dated at Newington, Connecticut on this the 20th day October 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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