



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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REISSUED DECISION

DOCKET NUMBER 1812-C-151-T

RE: IN THE MATTER OF THE CITATION OF DELLA FAMIGLIA, INC D.B.A.
STAMFORD TAXI

DECISION

JULY 2, 2019

I. INTRODUCTION

A. General

By citation dated February 6, 2019, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-96, as amended, Della Famiglia, Inc dba Stamford Taxi (hereinafter referred to as "Della Famiglia" or "respondent"), holder of Certificate Number 223 was ordered to come before the department to answer the allegations made therein. The respondent's mailing address is 22 Meadow Park Avenue East, Stamford, CT 06905.

The records of the department indicate that the respondent is in violation of the following Connecticut General Statutes (CGS) and/or Regulations of Connecticut State Agencies (RCSA), CGS Section 13b-96-21, 13b-96-22, 13b-96-35 and 16-1-98 as amended, by violating the terms of the certificate which require the certificate holder to comply with all pertinent motor vehicle laws and other statutes, and/or rules, regulations and orders of the department.

More specifically:

1. On October 18, 2018 Valerie Seery, upon receipt of application 1810-S-118-T, hereinafter referred to as "application", for sale of Certificate No. 223 from Della Famiglia, Inc. dba Stamford Taxi, hereinafter referred to as "transferor", to Riders Transportation, LLC dba Stamford Taxi, hereinafter referred to as "transferee", noticed that only 18 of their authorized 58 taxis were registered at that time. She notified the sellers of this and told them their certificate is not in compliance. This is a direct violation of Sec. 13b-96-21 which states "Any certificate holder who desires to discontinue the service of all of their taxicabs may do so, for a period of not more than fourteen (14) days, upon notification and approval of the commissioner. If the taxicabs discontinued from service are not reinstated in service at the expiration of such fourteen (14) day period, the authority to operate those taxicabs shall be subject to suspension, revocation or the imposition of a civil penalty.

2. In addition, there is no evidence that all 58 taxis authorized under Certificate No. 223 were registered and insured by March 31, 2018, the annual renewal date. This is a direct violation of Section 13b-96-22, "...any certificate holder who does not register the number of taxicabs authorized under its certificate by March 31 of each year, unless approved by the commissioner, shall be subject to suspension, revocation or the imposition of a civil penalty.

3. Furthermore, on October 18, 2018 the department emailed to the transferor a list of documentation that was missing from their application and the department followed up with approximately 16 emails and multiple phone calls discussing this information. As of today, December, 13, 2018, the application is still incomplete, and the financial review is found to be insufficient to prove financial viability at this time. This is in direct violation of Section 13b-96-35 which states "The following conditions shall be met to effectuate a sale or transfer: (1) the prescribed forms for the sale or transfer of a certificate shall have been completed and filed with the commissioner; ... (3) The seller or transferor shall demonstrate that all of the taxicabs operated under the taxicab certificate being transferred have been in service for the immediate six (6) months prior to sale or transfer or has obtained prior approval by the commissioner to suspend service for cause determined at hearing; ... (5) the transferee or buyer shall demonstrate their financial suitability to transport passengers in taxicab service in accordance with section 13b-96-10(3) of the Regulations of Connecticut State Agencies.

4. And lastly, principals of the transferring company have yet to submit to a criminal history information check as required by Sec. 16-1-98 which states "each officer of the corporation and to each person owning ten (10) percent or more of the outstanding debt or equity of the operator or transferee.... there shall be submitted a statement from the chief of police of the city or town where each resides concerning any police record or absence of police record. The two principals listed on the Secretary of State filing for Della Famiglia, Inc. are: Bruno Necatera, Sr., President, and Donna Romaniello, Vice President. Mr. Necatera was given a two (2) year ADA waiver on December 21, 2017 from the department for getting his Criminal History Information Report done. Ms. Romaniello has no waiver. This last charge was subsequently withdrawn at the hearing by the department since Donna Romaniello did produce an up to date criminal record check.

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-96 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on February 28, 2019.

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-96, 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

Donna Romaniello appeared on their behalf of the respondent at the hearing. The respondent was represented by Attorney Francis Browne with a mailing address of 1700 Bedford Street, Suite 204, Stamford, CT 06905.

Attorney Morris Barocas represented the potential buyers, Riders Transportation, LLC. Attorney Borocas's address is 51 Locust Avenue, 306, New Canaan, CT 06840. Najin Uddin and Mohamed Shafi are the two members of Riders Transportation, LLC. Najin Uddin attended the hearing.

Valerie Seery, License and Application Analyst, with the Regulatory & Compliance Unit appeared as a witness in this matter.

D. Decision Reissue

On March 5, 2019, the department set a deadline of July 1, 2019, for the respondent to increase the number of vehicles registered. As of July 1, 2019, the respondent had only seventeen (17) vehicles registered.

II. FINDINGS OF FACT

1. The respondent is the holder of taxicab certificate 223 in the name of Della Famiglia, Inc dba Stamford Taxi.
2. On October 18, 2018, the respondent filed a sale and transfer application to sell the business to Riders Transportation, LLC.
3. At the time the application was filed the respondent only had eighteen (18) of their fifty-eight (58) total vehicles registered.
4. By the time of the hearing, the applicant only had sixteen (16) vehicles registered.
5. There is no evidence that the respondent renewed its vehicle registration for the fifty-eight (58) vehicles it had authorized by March 31, 2018 as required.
6. Due to family hardships, the respondent entered into a management agreement with Riders Transportation, LLC for one-year to oversee the respondent operation.
7. The management agreement commenced in January 2019 and will terminate in December 2019.

8. Riders Transportation, LLC is interested in purchasing the respondent business if it can successfully register thirty-eight (38) vehicles by July 1, 2019. The department requires that the authority for vehicles being transferred in a sale must be in operation for at least six months before they can be transferred.

9. The respondent was not able to comply with the financial wherewithal requirement for the sale. The sale and transfer application filed in Docket Number 1810-S-118-T was withdrawn in December 2018.

10. Mr. Uddin has many years' experience as a professional driver and has been managing the respondent since January 2019.

11. Bruno Necetera is elderly and not in a position to oversee the respondent company. The respondent company was originally managed by his son, Mark, who passed away in December of 2017. Donna Romaniello is the only family member left in the business who is working with the managers from Riders Transportation, LLC.

12. As of July 1, 2019, the respondent had only seventeen (17) vehicles registered.

III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in taxicab service in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended.

The respondent company has not been functioning well for some time due to several family deaths. It is respondents hope to have the management team at Riders Transportation, LLC to revive the company to the point it can be sold.

The department gave the management team until July 1, 2019 to see how many vehicles they can register and insure. The number of vehicles registered and insured as of July 1, 2019, will be the number reflected on respondent's reissued livery permit.

IV. ORDER

Based on the above, the department will allow the respondent to continue in operation with no civil penalties, revocation or suspension at this time due to the family tragedies that have resulted in this unfortunate situation. The management team from Riders Transportation, LLC had until July 1, 2019, to register and insure as many taxicabs as they could up to the total maximum of fifty-eight (58) authorized under the permit. As of the July 1, 2019, the respondent only had seventeen (17) vehicles registered. The permit is now being reissued to reflect that lower number.

Based on the above and pursuant to Section 13b-97(a), certificate number 223 is hereby reissued as follows:

TAXI CERTIFICATE NUMBER 223 **FOR THE OPERTAION OF VEHICLES IN TAXI SERVICE**

Della Famiglia, Inc. d.b.a. Stamford Taxi is hereby permitted and authorized to operate seventeen (17) motor vehicles in taxicab service within and to and from Stamford.

RESTRICTIONS:

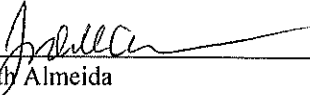
The applicant must return all excess license plates not currently being used on registered vehicles to the Department of Motor Vehicles fourteen (14) days from the date of this decision.

This certificate may not be sold or transferred until it has been operational, i.e., its vehicles registered with taxicab plates thereunder, for not less than twenty-four (24) consecutive months. This certificate is transferable only with the approval of the department.

This certificate shall remain in effect until it is amended, suspended, or revoked by the department. Failure of the certificate holder to maintain proper insurance and/or to comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the department, as this department may from time to time prescribe, shall be considered sufficient cause to amend, suspend or revoke this certificate.

Dated at Newington, Connecticut on this the 2nd day of July 2019.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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