

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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REOPENNING

DOCKET NUMBERS 1901-C-19-T & 1904-C-60-T

RE: IN THE MATTER OF THE TWO CITATIONS AGAINST GEORGE TAXI, LLC

DECISION

JANUARY 21, 2020

I. INTRODUCTION

A. General

By two citation notices from the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-96, as amended, George Taxi, LLC (hereinafter referred to as "George Taxi" or "respondent"), holder of Certificate Number 1024 was ordered to come before the department to answer the allegations made therein. The respondent's mailing address is 42 Hayden Avenue, Windsor, CT 06095.

The records of the Department indicate the respondent is the holder of Taxicab Certificate Number 1024. The records of the Department further indicate that the respondent is allegedly in violation of the following Connecticut General Statutes (CGS) and/or Regulations of Connecticut State Agencies as alleged in Docket Number 1901-C-19-T:

- CGS Section 13b-97, 4-182 and State Agency Regulations, as amended, by violating the terms of the Certificate which require the Certificate holder to comply with all pertinent laws and other statutes, and/or rules, regulations and orders of the Department.

More specifically, on November 6, 2018, Brian L. Baik, Transportation Planner at the Connecticut Airport Authority, forwarded customers' complaints to the Department, bringing to the attention of the Department that George Taxi, LLC could allegedly be in violation of the following:

- DOT Agency Regulations:
 - o Sec 13b-96-7 – Suitability Requirement
 - o Sec 13b-96-11(b) – Proper conduct (Not complying with officer's requests)
 - o Sec 13b-96-27(4) – Unlawful operation of a taxicab (Not displaying the driver's ID card, and allegedly, an operators driver's license is suspended indefinitely)
 - o Sec 13b-96-28 – Qualifications and instruction of drivers (No complying with the customers' reasonable requests)
 - o Sec 13b-96-29 – Driver notification of conviction or suspension (Failure to notify the Department of traffic citations, and of driver's license suspensions)
 - o Sec 13b-96-32 – Driver ID and driver comment card (Failure to provide identification to the customer)
 - o Sec 13b-96-39 -Taxi trip receipt (refusing to sign the trip receipt)
- Connecticut General Statutes:
 - o 13b-97 – Certificate of public convenience and necessity
 - Suitability
 - Public Safety

In addition to the above, the respondent was also cited under Docket Number 1904-C-60-T for violations of the following:

- CGS Section 13b-97, 4-182 and State Agency Regulations, as amended, by violating the terms of the Certificate which require the Certificate holder to comply with all pertinent laws and other statutes, and/or rules, regulations and orders of the Department.

More specifically, on April 16, 2019, Mr. Michael Faeth, a passenger, complained to Brenda DePugh, GM-Trandev Services, Inc about George Taxi, LLC. On April 17, 2019, Brenda DePugh submitted a complaint to Brian Baik, Transportation Planner, Connecticut Airport Authority, at Bradley International Airport on behalf of Michael Faeth. On April 18, 2019, Brian Baik forwarded the customer's complaint to Attorney Felipe Briseno. On April 22, 2019, Attorney Felipe Briseno informed Public Transit Inspector Michael MacDougall about the allegation against George Taxi, LLC, and requested an inquiry. On April 23, 2019, Michael Faeth spoke with Public Transit Inspector Michael MacDougall, bringing to the attention of the Department that George Taxi, LLC could allegedly be in violation of the following:

- DOT Agency Regulations:
 - o Sec 13b-96-7 and 13b-97– Suitability Requirement. (Convictions of state laws regarding motor vehicles) general suitability.
 - o Sec 13b-96-27 (2) – the driver shall comply with all reasonable and lawful routing requests of the passenger. (Failure to follow route as directed)
 - o Sec 13b-96-28 – Qualifications and instruction of drivers.
 - (2) (Showing lack of consideration for the passengers)
 - (3) (Geographically unfamiliar with the service area and the State of Connecticut)
 - (5) (Failure to comply with all passenger’s requests)
 - (7) (c) (Failure to review the driving record of the drivers and self)
 - (d) (Failure to continue to meet minimum physical standards - night vision ability)
 - o Sec 13b-96-29 – Driver notification of conviction or suspension (Failure to notify the Department of traffic citations, and of driver’s license suspensions)
- Connecticut General Statutes:
 - o 13b-97 - (b)- Certificate of public convenience and necessity
 - Suitability (DMV Atlas System is showing the driver records of George Samuels suspended license)
 - Public Safety (potential threat of harm to persons)
 - o Sec. 14-218a. (c) Traveling unreasonably fast. Establishment of speed limits. (Operating a motor vehicle at a greater rate of speed than is reasonable)
 - o Sec. 14-219. Speeding (Operating a motor vehicle upon RT 219 south at 60 mph downhill towards lake McDonough as to endanger the life of the passengers)
 - o Sec. 14-222. Reckless driving. (Stopping at the east bound lane peering at a directional sign indicating RT 219)
 - o Sec. 14-230. Driving in right –hand lane (Failure to drive/keep right)
 - o Sec. 14-221. Low-speed vehicles carrying passengers for hire. (Speeds varies from 30 mph to 60 mph while driving on the left lane, vehicles were passing on the right lane)

As a result, the respondent was subject to a hearing pursuant to CGS 13b-97, and possibly subject to a penalty pursuant to Connecticut General Statutes Section 13b-100.

B. Notices and Hearings Held

The first citation notice was sent by certified mail to the respondent, George Taxi, on February 11, 2019 in Docket Number 1901-C-19-T. This notice was returned by the post office for an insufficient address, although the notice was sent to the legal mailing address of record for the respondent.

A second hearing notice was sent to the respondent by certified mail on February 21, 2019, addressed to George Samuels/George Taxi at its legal address of record. This notice was unclaimed by the respondent after several delivery attempts. A courtesy copy of the citation notice was also sent by regular mail to the respondent at its mailing address. The respondent and his son attended the April 10, 2019 hearing. A continuance request was made by the respondent at the April 10, 2019 hearing to obtain counsel. The case was continued to May 9, 2019 at which time the respondent appeared with his son but did not have counsel. The matter went forward on that date.

On May 13, 2019, a new citation notice was sent to respondent on Docket Number 1904-C-60-T, which went unclaimed. A notice for that hearing was also sent by regular mail on June 7, 2019 to the respondent. Respondent’s son, Jeramiah Samuels, attended the June 25, 2019 hearing on Docket Number 1904-C-60-T and asked for a continuance due to his father’s injury. At that hearing on June 25, 2019, a continuation date of July 23, 2019 was given to respondent’s son on the record.

On June 26, 2019, a certified citation notice was sent to the respondent for the July 23, 2019 hearing. This notice also went unclaimed by the respondent. Respondent’s son, Jeramiah Samuels was also mailed a copy of that notice as a courtesy to the address that he provided to the hearing officer. Neither respondent nor his son attended the July 23, 2019 hearing. No contact made with the department before or after the hearing by the respondent or his son as to why no one attended the hearing.

C. Appearances

Pursuant to Section 13b-96 of the Connecticut General Statutes, as amended, the public hearing for the first citation was held on April 30, 2019. At that hearing, Mr. George Samuels and his son Jeramiah Samuels attended and requested a continuance. A second hearing date of May 9, 2019 was scheduled and the citation went forward on that date. Mr. Samuels and his son were both in attendance.

The second citation was held on June 26, 2019 in Docket Number 1904-C-60-T. Respondent's son attended the hearing to request a continuance, which was granted to July 23, 2019 because his father had sustained an injury. Neither respondent nor his son attended the rescheduled hearing on July 23, 2019.

Notice of the citations and the hearings 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.

II. FINDINGS OF FACT

1. The respondent is the holder of taxicab certificate 1024 in the name of George Taxi, LLC which is authorized to operate three (3) taxicabs within and to and from the towns of Bloomfield, East Hartford, East Windsor, Enfield, Farmington, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Vernon, West Hartford, Wethersfield, Windsor, Cromwell, Glastonbury, Middletown and Portland.
2. Mr. Samuels is a long-standing taxicab driver of 36 years.
3. On November 1, 2018, the respondent drove erratically with passengers in the car and was stopped by the Massachusetts State Police. In that incident, Mr. Samuels was speeding in left lane, did not pull over for the police and was playing the radio too loud, among other complaints. The respondent was issued a citation in that matter.
4. The second incident occurred on April 16, 2019, which was later reported to the Connecticut State Police. In that incident, Mr. Samuels was driving erratically and speeding.
5. Mr. Samuels has physical ailments including vision and hearing problems.
6. Mr. Samuels does not currently have a valid passenger endorsement to drive a taxicab from the Department of Motor Vehicles.
7. Respondent's son, Jeramiah Samuels, has a POA with regard to George Taxi.
8. Neither respondent nor his son attended the July 23, 2019 hearing.

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 Department is able to assess a civil penalty of \$100 a day for each violation committed by the respondent.

In both citation cases there were several serious violations of the department's statutes and regulations regarding Mr. Samuel's driving on these two taxicab trips. It is clear for the evidence presented that Mr. Samuels has some physical impairments, which need to be addressed for him to be able to operate his taxicab in a safe manner. The Department of Motor vehicles has not allowed the respondent to retain his passenger endorsement thereby preventing Mr. Samuels from driving a taxicab. This matter has become a public safety issue.

In addition to the above, the respondent has repeatedly failed to claim his mail after being asked several times to give the department a valid mailing address. All of the mail sent to his mailing address of record has come back undeliverable. The conclusion of this matter came when the respondent failed to appear at the July 23, 2019 hearing which was properly noticed. In addition, the respondent's son was told of the time and date of the July 23, 2019, hearing on the record and he was sent a courtesy copy of the hearing notice to the address he provided the hearing officer. There is nothing more that can be done by the department to resolve this matter with the respondent. The respondent's failure to appear at the July 23, 2019 hearing will result in the revocation of Taxicab Certificate Number 1024.

IV. AMENDED ORDER

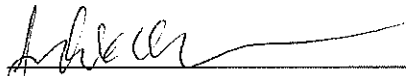
On July 26, 2019, the department revoked Taxicab Certificate Number 1024 standing in the name of George Taxi, LLC due to Mr. Samuels's failure to appear at the last scheduled hearing. The revocation took effect on August 9, 2019.

On December 6, 2019, Mr. Samuels petitioned the department to reopen the revocation to allow him to sell his company. He stated that the reason for his nonappearance at the hearing was due to health issues and a family dispute in which his appointed representative, Jerimiah Samuels, failed to appear at the hearing.

Based on that petition, the department will reopen this matter and reinstate Certificate 1024 for the sole purpose of its sale. A completed sale and transfer application in Docket Number 1912-S-142-T, George Taxi, LLC to AB Cab, LLP (C-1024) has already been filed and accepted by the Regulatory & Compliance Unit. If that sale and transfer is not completed, the revocation of Certificate 1024 will be reinstated.

Dated at Newington, Connecticut on the 21st day of January 2020.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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