



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

AMENDED DECISION

DOCKET NUMBER 1911-C-123-L

RE: IN THE MATTER OF THE CITATION OF ONTIME LIMOUSINE, LLC.

DECISION

JULY 7, 2020

I. INTRODUCTION

A. General

By citation dated December 9, 2020, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-102, 13b-103 and 13b-106 as amended, OnTime Limousine, LLC (hereinafter "respondent"), holder of Intrastate Livery Permit Number 2884, was ordered to come before the department to answer the allegations made therein.

Pursuant to said citation, the respondent was directed to appear by telephone to show cause why Livery Permit Number 2884, issued for intrastate livery service should not be suspended or revoked or a civil penalty imposed for violation of its permit pursuant to Connecticut General Statutes Section 13b-103, et seq.

More specifically:

1. On November 13, 2019, the department was informed that insurance coverage for David Ferjuste, who drives under the authority of OnTime Limousine, LLC, was reduced in violation of Connecticut General Statutes Section 14-29(f).
2. On February 19, 2020, the department was again informed that Daniel Ferjuste, who drives under authority of OnTime Limousine, LLC, reduced his insurance liability limits for a second time. This second time with Progressive Insurance Company directly (not through an agent), in direct violation of Connecticut General Statute Section 14-29(f).

B. Hearings Held

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was scheduled for January 16, 2020. Due to an incorrect address for the respondent, a second hearing was correctly noticed and rescheduled for February 6, 2020. 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-103, as amended. The respondent failed to attend the second hearing and as a result, a decision revoking the respondent's authority was issued on February 10, 2020.

On February 19, 2020, the respondent requested that the department reopen the matter. After several attempts to reschedule, the ongoing Covid-19 health crisis delayed the hearing until June 25, 2020 which was held remotely by telephone.

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

Mr. Alfredo Gerard Vilsaint, Member and his son Gerard Vilsaint appeared pro se in this matter. The respondent's mailing address is 1253 High Ridge Road, Stamford, Connecticut 06903.

Linda Sidote, License and Application Analyst, with the Regulatory and Compliance Unit presented evidence in this matter.

Felipe Briseno, Staff Attorney 3, with the Regulatory and Compliance Unit presented evidence at the hearing.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2884 in the name of OnTime Limousine, LLC operating from a headquarters in Stamford.

2. On November 13, 2019, Daniel Ferjuste, a contractor with the respondent company, appeared at the

Department of Transportation to register a livery vehicle. He was informed by the department that he did not have the proper insurance coverage. He then called the Egan Insurance Company to have the insurance adjusted upward to 1.5 million as required in livery service under Connecticut General 14-29. Immediately after that, Mr. Ferjuste called Eagan Insurance and had his policy reduced down to \$100,000.

3. On November 15, 2019, the respondent was sent a fifteen-day warning letter regarding the insurance issue.
4. The registration in question is still active and will not expire until March 31, 2021.
5. On November 22, 2019, the Department of Motor Vehicles sent Daniel Ferjuste a request to provide proof of insurance coverage. Brian Eagan sent a postdated policy showing 1.5 million.
6. The respondent did not appear at the hearing on February 6, 2020 and its livery permit was revoked in a decision issued on February 10, 2020.
7. On February 19, 2020, the department was again informed that Daniel Ferjuste, who drives under authority of OnTime Limousine, LLC reduced his insurance liability limits for a second time, this time with Progressive Insurance Company directly (not through an agent), in direct violation of Connecticut General Statute Section 14-29(f).
8. On February 20, 2020, the respondent asked to have the matter reopened.
9. The respondent has livery authority to operate eight (8) livery plates from a headquarters in Stamford, however only seven (7) vehicles are currently registered.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over the registration of motor vehicles in intrastate 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-103, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one thousand (\$1,000) dollars per day for each violation.

After reviewing the evidence, it is clear that the respondent's driver intentionally dropped his livery insurance below a state minimum to avoid paying a higher insurance premium. Mr. Alfredo Vilsaint claims that he was unaware what his contractor was doing. Whether or not he knew what was going on, he had a responsibility to oversee the insurance. As the certificate holder, the respondent is responsible for making sure all insurance amounts are in compliance with Connecticut General Statutes Section 14-29.

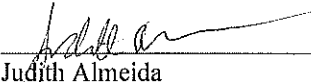
IV. ORDER

Based on the above, the respondent, OnTime Limousine, LLC will be assessed a civil penalty of \$500 to be paid to the "Treasurer, State of Connecticut" within thirty (30) days from the date of this final decision.

The respondent will not be allowed to utilize a POA to conduct business at the department for a period of three (3) years.

The department shall maintain ongoing jurisdiction in this matter for the next three (3) years.

This decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).



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