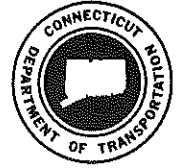


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1912-C-128-L

RE: IN THE MATTER OF THE CITATION OF EARL MELLOW, JR

DECISION

FEBRUARY 24, 2020

I. INTRODUCTION

A. General

By citation dated January 23, 2020, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-102, 13b-103 and 4-182 as amended, Earl Mellow, Jr. (hereinafter "respondent"), holder of Intrastate Livery Permit Number 2794, was ordered to come before the department to answer the 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 Livery Permit Number 2794, issued for intrastate and interstate 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. It came to the department's attention on November 4, 2019, that Earl Mellow, Jr. has authority to operate general livery motor vehicles, each with a passenger seating capacity of ten (10) passengers or less, in general livery service from a headquarters in Bridgeport. Earl Mellow, Jr. is further permitted and authorized to operate motor vehicles as a common carrier of passengers in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-374704. However, there are no vehicles currently registered to this company. This is a direct violation of Connecticut General Statutes Section 13b-103 and/or 13b-106, 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 the above finding, a headquarters check was performed for Earl Mellow, Jr. on November 4, 2019, which showed that the business was no longer at its headquarters location. This is a direct violation of the Regulations of Connecticut State Agencies Section 16-325-2 (Transfer of Permit), Section 16-325-3 (Notice of Change of Address), Section 16-325-4 (Change of location outside city/town) and Section 16-325-5 (Information and records available to Authority). In addition, both the mailing and business address are not valid.

B. Hearing Held

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on February 20, 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 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

The respondent failed appeared in this matter. The respondent's mailing address is P.O. 1858, Bridgeport, CT 06601.

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 in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2794 in the name of Earl Mellow, Jr which operates from a headquarters in Bridgeport.

2. The department was made aware of a possible address issue when it received returned mail that had been sent to the respondent.
3. The department sent two emails to the respondent on September 4, 2019 and October 10, 2019 to clarify its mailing address. No response was received from the respondent.
4. On November 4, 2019, the department performed a headquarters check and did not find the respondent at the headquarters address.
5. A warning letter was sent to the respondent on November 14, 2019. No response was received from the respondent.
6. The respondent failed to appear at the hearing on February 20, 2020.

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.

Based on the evidence presented, the respondent is no longer at its designated headquarters address or receiving mail at its mailing address. In addition, the respondent does not have any livery vehicles registered and the respondent did not appear at the citation hearing. The only conclusion that results from these facts is that respondent is no longer in business.

Based on the evidence presented, the respondent is in violation of Connecticut General Statutes Section 13b-103 in addition to Regulations of Connecticut State Agencies Section 16-325-2 (Transfer of Permit), Section 16-325-3 (Notice of Change of Address), Section 16-325-4 (Change of location outside city/town) and Section 16-325-5 (Information and records available to Authority). Since the respondent did not attend the hearing, Livery Permit Number 2794 is hereby revoked.

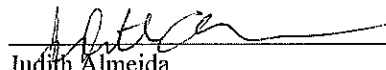
IV. ORDER

Based on the above, Livery Permit Number 2784, standing in the name of Earl Mellow, Jr is hereby revoked within fifteen (15) days from the date of this decision. The respondent shall return all issued livery plates to the Department of Motor Vehicles.

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

Dated at Newington, Connecticut on this the February 24, 2020.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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