



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 2003-C-24-L

RE: IN THE MATTER OF THE CITATION OF GREGORY BURRUS & SON,  
LLC/AIRPORT EXPRESS CT

DECISION

JUNE 25, 2020

## I. INTRODUCTION

### A. General

By citation dated March 11, 2020, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-102, 13b-103 and 13b-106 as amended, Gregory Burrus & Son, LLC/Airport Express CT (hereinafter "respondent"), holder of Intrastate Livery Permit Number 2956, 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 2956, 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:

It came to the department's attention on November 21, 2019, that on or about January 18, 2019, one of respondent's drivers was involved in an accident while carrying a wheelchair passenger. Further, the passenger died ten days later on January 28, 2019. The department alleges that the respondent is in direct violation of the following Connecticut General Statutes and Regulations of Connecticut State Agencies as follows:

1. Connecticut General Statute Section 14-36 (c) and Regulation of Connecticut State Agencies Section 16-325-6 – Failure to have proper commercial driver's license endorsement
2. Connecticut General Statute Section 14-29(f) – Lack of Insurance
3. Connecticut General Statute Section 14-100(e)(1) and (2) – Failure to properly secure wheelchair passenger
4. Connecticut General Statute Section 13b-102(b) – Operating Authority from the FMCSA, address not updated
5. Connecticut General Statute Section 13b-103(b) – Suitability of the company

### B. Hearing Held

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, a telephone hearing for this citation was held on May 14, 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

Attorney Michael Stone appeared on behalf of the respondent in this matter. Attorney Stone's mailing address is 129 Church Street, Suite 806, New Haven, CT 06510.

The Regulatory & Compliance Unit did not appear but submitted evidence in this matter which was provided beforehand to Attorney Stone.

## II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2956 in the name of Gregory Burrus & Sons, LLC/Airport Express CT which operates from a headquarters in Roxbury.
2. On January 18, 2019, one of the respondent's drivers was involved in an incident at the intersection of

3. Stillson and Pritchard Road.
4. This incident was brought to the attention of the department on November 21, 2019. The incident involved an elderly passenger, Mr. Wills, who slid out of his wheelchair when the driver braked the vehicle.
5. Ten days after the incident in question, Mr. Wills passed away from respiratory failure.
6. The livery trip provided to Mr. Wills on January 18, 2019, was an intrastate livery trip under contract with Veyo.
7. The respondent no longer performs work for Veyo as of November 26, 2019.
8. A warning letter was sent to the respondent from the department on November 26, 2019.
9. The driver of the vehicle, Christopher Ross, applied for a public service license on June 2, 2018 but did not have the required F endorsement to drive a livery vehicle until March 28, 2019.
10. Mr. Ross is no longer working for the respondent.
11. At the time of the incident, Mr. Wills had numerous medical problems.
12. On the trip in question, Mr. Wills had an aid by the name of Joseph Boyle who was employed by Emerest Healthcare of Connecticut.
13. The Waterbury Police became aware of Mr. Wills passing after a DOT employee, Brandon O'Brien, notified them of such and after the police department's funding was threatened to be withheld by the Connecticut Department of Transportation.
13. The Waterbury Police do not classify the incident in question as a motor vehicle accident.
14. The respondent is now engaged in a civil lawsuit involving the incident.
15. Mr. Ross claims that Mr. Wills removed a supplemental seatbelt that he put on Mr. Wills prior to transporting him and that is the reason that he slipped out of the seat.
16. The 2016 Ram Promaster 2500 CT van that is the subject of this hearing was insured by Global Liberty Insurance Company of New York, Inc. from March 21, 2018 through March 21, 2019, including the date of the incident. The vehicle in question had a valid registration at the time of the incident.
17. On November 25, 2019, Christian Quandt of Advanced Wheels, the company that provided the respondent the vehicle, inspected it. At that time, the wheelchair locking system was working properly. However, it did appear to be missing a shoulder belt.
18. The vehicle in question was last inspected by the DMV on October 6, 2017. This inspection is good for a six-month period. After that, the vehicle must be inspected every six months by DMV. Since the respondent purchased the van in November 2017, it had not been inspected.
19. Mr. Wills death was classified as an accident by the Office of the Chief Medical Examiner.

### 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.

The respondent was charged with five separate potential violations of the statutes or regulations. The first alleged violation was that the driver of the vehicle, Mr. Ross did not have a public service license. That allegation has been proven to be true. Mr. Ross was still in the process of obtaining his public service license at the time of the incident. Mr. Ross no longer works for the respondent. At the hearing, the respondent was asked to send copies of the licenses of all the drivers currently working for the company. A review of these licenses shows that all four drivers have the required endorsement to drive a livery vehicle.

The second allegation is that the respondent didn't have insurance at the time of the incident. The evidence presented by the respondent shows that in fact, the vehicle was properly registered and insured at the time of the incident. This fact is also substantiated in the Waterbury Police Report.

The third allegation is that the respondent's driver did not secure Mr. Wills. The driver, Mr. Ross claims that Mr. Wills removed the shoulder strap thereby causing him to slip from the wheelchair when the vehicle was braked. The inspection that was conducted after the incident on November 25, 2019, showed that the device used to secure the wheelchair was functioning properly. The inspection also showed that a shoulder strap was missing at the time of that inspection. Given that eleven months had passed between the date of the incident and when the vehicle was finally inspected, it is impossible to know if there was some issue with the vehicle equipment when the incident occurred.

The respondent did however fail to have DMV inspect the vehicle as required every six months. The respondent is ordered to have the vehicle re inspected by the DMV to ensure full compliance within 90 days of the date of this decision and to maintain DMV inspections every six months.

The next allegation is that the respondent did not have a correct address with the interstate authority. Since the trip was intrastate, whether the respondent had a correct interstate authority doesn't really make any difference.

The last charge is that the respondent is not suitable. Clearly, the only violation that can be substantiated is that respondent hired a driver without a proper endorsement. This issue does not rise to the level of a determination that the respondent is no longer suitable to conduct a livery business.

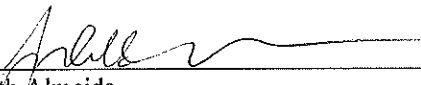
#### IV. ORDER

Based on the above, there will be no civil penalty assessed against the respondent in this matter. However, the respondent needs to have the vehicle in question inspected by the DMV within 90 days of the date of this decision and report back to this hearing officer.

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

Dated at Newington, Connecticut on this June 25, 2020.

#### CONNECTICUT DEPARTMENT OF TRANSPORTATION

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