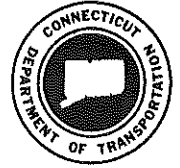




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NUMBER 2107-C-57-L

RE: IN THE MATTER OF THE CITATION OF BARRETT LIMO, LLC

DECISION

OCTOBER 14, 2021

I. INTRODUCTION

A. General

By citation dated August 2, 2021, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13B-102, 13b-103 and 106 as amended, Barrett Limo, LLC (hereinafter "respondent"), holder of Livery Certificate Number 3474, 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 3474 should not be suspended or revoked, or a civil penalty imposed for violation of its Livery Permit pursuant to Connecticut General Statutes Section 13b-103, et seq.

More specifically on May 24, 2021, the department received a complaint alleging that an incident occurred involving a vehicle registered under Livery Permit No. 3474 and a motorist operating his own vehicle. After investigating the complaint, the department found cause to challenge the suitability of the management of Livery Permit No. 3474.

B. Hearing Held

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the telephone hearing for this citation was held on September 9, 2021 and September 23, 2021. 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

Chris Arpie appeared in this matter after being duly noticed. The respondent was represented by Attorney Richard Lynch with the law firm of Lynch, Traub, Keefe and Errante, PC. The mailing address for the firm is 52 Trumbull Street, New Haven, Connecticut 06510.

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

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

Michael MacDougall, Transportation Public Transit Inspector for the Regulatory and Compliance Unit, testified as a witness.

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 3474 in the name of Barrett Limo, LLC which has the authority to operate one (1) livery vehicle from a headquarters in Oxford.

2. Chris Arpie is the sole member of the respondent company.

3. On May 24, 2021, Chris Arpie was involved with a road rage incident on Route 8 in the Trumbull area. Mr. Arpie's vehicle was driving in a reckless manner by performing improper lane changes in a black SUV with livery plate number L00089L which is registered to the respondent company.

4. Andres Simpson was also driving on Route 8 at the time of the incident. To avoid the dangerous situation, Mr. Simpson maneuvered his vehicle around the respondent's vehicle and exited the highway.
5. Immediately after Mr. Simpson's car got in front of Mr. Arpie's vehicle, Mr. Arpie pulled out his cell phone and started following Mr. Simpson in his vehicle.
6. Mr. Arpie followed Mr. Simpson for some time through several turns into a parking lot but stopped his vehicle so that Mr. Simpson's vehicle was blocked from leaving the lot. There was only one way in and one way out of the parking lot.
7. Both men were alone in their vehicles at the time this incident occurred.
8. Mr. Arpie's actions scared Mr. Simpson.
9. As a result of the incident, Andres Simpson, filed a complaint on May 24, 2021, with the Department of Transportation (hereinafter "department") against the respondent on the same day the incident occurred.
10. The police were not called by either party.
11. Mr. Arpie was initially notified about the complaint by Transportation Public Transit Inspector Michael MacDougall on May 26, 2021. Mr. Arpie was again notified of the complaint two more times on May 28, 2021. Since the respondent's email was incorrect, the department sent a supplemental email on May 28th to a corrected email address. In those emails, Mr. MacDougall asked for the respondent's side of the story.
12. Instead of responding to Mr. MacDougall's email, the respondent forwarded Mr. MacDougall's email to the Commissioner of the Department of Transportation with a lengthy complaint that the department had no authority over him or his company and that he was being harassed by Inspector MacDougall.
13. On May 29, 2021, the respondent responded to Mr. MacDougall giving his side of the events. A second email response was sent by the respondent on June 1, 2021.
14. As a result of the department investigation, Mr. MacDougall sent Mr. Arpie a total of three two emails and called him one time. Mr. Arpie was not harassed by Inspector MacDougall.
15. On July 20, 2021, Mr. MacDougall interviewed Mr. Simpson by phone concerning the incident on May 24, 2021.
16. The Regulatory and Compliance Unit did not send to the respondent a 15-day warning letter which is required to assess a civil penalty against the respondent.
17. To resolve this issue, the Regulatory and Compliance Unit has asked for a revocation or in the alternative an 18-month suspension of respondent's livery permit and 36 hours of driver retraining for Mr. Arpie before he can apply to have his livery license reinstated.
18. The respondent proposed a \$1,000 charitable donation and an apology to Mr. MacDougall to settle this matter.
19. Mr. Simpson was called as a witness on September 23, 2021 to testify at the citation hearing.
20. Mr. Simpson was found to be a credible witness
21. Other than this citation, the respondent has not had any other citation hearings in the past 6 years it has been in operation.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over livery service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-103, 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.

As to the facts of this case, Mr. Simpson testified credibly about the events of May 24, 2021. Mr. Arpie was engaged in negligent driving on the highway by weaving in and out of traffic without signaling. Mr. Arpie blames Mr. Simpson for cutting him off and thus causing him to have behaved as he did. Whether or not Mr. Simpson cut off Mr. Arpie off does not matter. Mr. Arpie's behavior was negligent and threatening in following Mr. Simpson off the highway then blocking his exit from a parking lot. These are all actions designed to intimidate and harass.

Moreover, Mr. Arpie's refusal to cooperate with the department's investigation is also an issue. When the department attempted to get Mr. Arpie's version of events, he was disrespectful and dismissive of the regulatory body that oversees his livery permit. He also made false complaints about Mr. MacDougall harassing him when Mr. MacDougall was merely performing investigation into the complaint against Mr. Arpie.

Based on the facts of this case the respondent should face a penalty both for his behavior on the road and with department staff. Since the Regulatory and Compliance Unit did not issue a 15-day warning letter to the respondent, the hearing officer has no ability to issue a civil penalty in this matter. That leaves only suspension and revocation as options in this matter.

The Regulatory & Compliance Unit had requested that the respondent's Livery Permit 3474 be revoked based both on Mr. Arpie's driving behavior with Mr. Simpson and his total disregard for the department as the regulatory body over his livery permit. In the alternative, the Regulatory and Compliance Unit also proposed an 18-month suspension and 36 hours driver retraining. Regarding the driver training component, the hearing officer can find no statutory authority to order the respondent to take driver education classes.

A complete or lengthy revocation of the respondent's livery permit is overly harsh given the fact that there have been no other complaints against the respondent for the past six years. The penalty against the respondent must be in line with other comparable violations, it cannot be much worse. However, such behavior cannot be simply ignored either.

The respondent will receive a thirty (30) day suspension of his livery permit to impress upon the respondent that his actions are not acceptable. The respondent is under no circumstances allowed to operate in livery service during the suspension period and if it found to be doing so it will result in revocation of its livery permit.

IV. ORDER

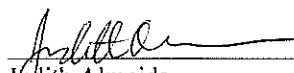
Based on the above, Livery Permit Number 3474, standing in the name of Barrett Limo, LLC is hereby placed under suspension for a period of thirty (30) days. The suspension will commence on November 29, 2021 thereby giving the respondent time to refer out his pending livery trips to other providers. The respondent shall return or place on hold all of the livery plates issued to it by the Department of Motor Vehicles by November 29, 2021. The respondent must also provide the Department of Transportation with proof that all issued the livery plates were returned to the Department of Motor Vehicles by November 30, 2021. On Wednesday, December 29, 2021, the respondent may resume in livery service.

Failure to comply with this order will result in an immediate revocation without further proceeding.

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

Dated at Newington, Connecticut on this the October 14, 2021.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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