

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NUMBER 2112-C-115-T

RE: IN THE MATTER OF THE CITATION OF ROSE CITY TAXI,
LLC

DECISION

FEBRUARY 14, 2022

I. INTRODUCTION

A. General

By citation dated December 21, 2021, by the Department of Transportation (hereinafter “department”), pursuant to Connecticut General Statutes Sections 13b-97 and 4-182 as amended, Rose City Taxi, LLC (hereinafter “respondent”), holder of Taxicab Certificate Number 1170, 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 Taxicab Certificate Number 1170 should not be suspended or revoked, or a civil penalty imposed for violations of its certificate pursuant to Connecticut General Statutes Section 13b-97, et seq.

More specifically, on November 23rd, 2021, the department received a complaint alleging that an incident occurred that same day between a driver, Michael Sacilowski, for Rose City Taxi, LLC (Taxi Certificate No. 1170), and multiple staff members at the Root Center for Advanced Recovery located at 772 West Thomas Street, Norwich CT 06360 at approximately 6:38 AM. A customer ordered a Rose City Taxi, LLC taxicab, yet the driver arrived operating a Honda Accord with plate No. 496-ZUT and proceeded to drive recklessly and engage in a verbal altercation with staff.

The allegations detail numerous violations including operating a taxi without authority, exceeding the actual authority that was granted, a lack of proper insurance, and safety concerns that would make the certificate holder unsuitable to hold the authority granted under such a certificate.

B. Hearing Held

Pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, the telephone hearing for this citation was held on February 3, 2022. 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-97, 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

John Garvey appeared pro se on behalf of the respondent. The respondent’s mailing address is P.O. Box 563, Gales Ferry, CT 06335.

Christopher Russell, License and Application Analyst, with the Regulatory & Compliance Unit appeared as a witness.

Felipe Briseno, Staff Attorney 3 from the Regulatory & Compliance Unit, appeared as a witness.

II. FINDINGS OF FACT

1. The respondent is the holder of Taxicab Certificate Number 1170 which has authority to operate three (3) vehicles in taxicab service.
2. This matter was initiated on November 23, 2021, when Ms. Abigail Thurlow filed a complaint with the Regulatory & Compliance Unit regarding an incident between respondent's driver, Michael Sacilowski, and the patients and staff at the Root Center for Advanced Recovery.
3. On November 23, 2021, Mr. Sacilowski drove a 2012 Honda with license plate 496-ZUT into the Root Center and engaged in an altercation with another driver over a parking spot. In the process he also blocked a car and yelled obscenities.
4. The client that was being transported called Rose City Taxi for service and had done so several times in the past.
5. When Ms. Thurlow called Rose City Taxi to lodge a complaint, the phone was answered by the same irate driver, Michael Sacilowski. He proceeded to yell obscenities and hang up on Root staff.
6. There were several other incidents of phone harassment when the driver called the Root Center and used profane language or hanging up.
7. The 2012 Honda involved in this incident is not an authorized taxicab. This same vehicle had transported the client many times over the past six months before the incident occurred.
8. Mr. Garvey does not contest that his driver, Michael Sacilowski, was involved in this altercation, but he claims he was unaware that Michael was driving this Honda Accord. At the time of this incident the respondent company only had one legally authorized taxicab in operation at the time.
9. The client being transported was paying for the transportation.
10. The driver, Michael Sacilowski is no longer working for Rose City Taxi.
11. The Regulatory & Compliance Unit recommends a \$2,000 civil penalty in this matter.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over taxicabs in the State of Connecticut accordance with Connecticut General Statutes Section 13b-97, as amended. Pursuant to Connecticut General Statutes Section 13b-97, the department may amend or for sufficient cause suspend or revoke any such certificate. 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-97, 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, its clear that the driver for Rose City Taxi was driving a customer when the incident occurred and holding himself out to be a taxicab while driving a vehicle not authorized as a taxicab. The driver, Michael Sacilowski, acted in an extremely negligent manner and is in violation of Connecticut General Statutes Section 13b-97 and Regulations of Connecticut State Agencies including 13b-96-17, 13b-96-27, 13b-96-28, 13b-96-30.

Since Rose City Taxi had only one operable taxicab at the time of the incident Mr. Garvey should have been aware that his driver/dispatcher was driving a non-taxicab. As the owner of the business, he should have been aware of what was happening. As such, the respondent will be ordered to pay a civil penalty of \$2,000 for the various violations this driver committed.

Given the severity of this situation, the Regulatory & Compliance Unit should refer this citation matter to the Department of Motor Vehicles to take further action regarding Michael Sacilowski's ability to drive passengers.

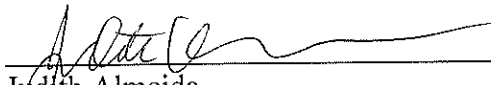
IV. ORDER

Based on the above, the respondent, will be assessed a civil penalty of \$2000 to be paid to the "Treasurer, State of Connecticut" within ninety (90) days from the date of this decision.

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

Dated at Newington, Connecticut on this the February 14, 2022.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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