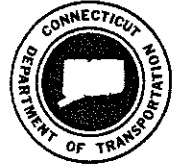


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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:
(860) 594-2875

DOCKET NUMBER 0610-C-51-L

RE: IN THE MATTER OF THE CITATION OF CENTRAL
PARK WEST TRANSPORT SYSTEMS, INC.

Final Decision

August 6, 2008

I. INTRODUCTION

A. General

By citation dated June 30, 2008, issued by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Central Park West Transport Systems, Inc. (hereinafter "respondent"), holder of Livery Permit Number 2811 was ordered to come before the Department to answer 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 Permit Number 2811 for the operation of vehicles in livery service should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-102, et seq. for allowing a motor vehicle bearing Connecticut marker plate number Z6745Z to operate in intrastate livery service without an intrastate permit in violation of Connecticut General Statutes Section 13b-103(a) and operate without intrastate livery marker plates in violation of Connecticut General Statutes Section 14-27(d).

The citation was served upon the respondent by first class and certified mail and recited the Department's reasons for issuing same.

B. Hearing Held

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on July 29, 2008.

Notice of the citation and of 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

Virginia Bergman appeared on behalf of the respondent. The respondent was represented by Aaron Gersten, Esq. of Gersten & Gersten with a mailing address of 234 Pearl Street, Hartford, Connecticut 06103.

Robert Colucci, Supervising Special Investigator with the Regulatory and Compliance Unit of the Department of Transportation, presented the evidence in this matter.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2811 and is authorized to operate in interstate and intrastate livery service from a headquarters in East Hartford and Simsbury.

2. On January 11, 2006, a vehicle bearing Connecticut marker plate number Z6745Z performed an intrastate livery trip for hire from Farmington to Bradley International Airport in Windsor Locks.

3. Ms. Bergman testified that she was not in the office the day of the incident and that her office manager allowed the trip to take place with the wrong marker plate even though they had interchangeable plates available.

4. The driver of the vehicle and the office manager subsequently left her employ and started their own livery company shortly after this incident took place.

III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in 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-102 through 13b-109, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one thousand dollars per day for each violation.

The evidence in this matter shows that the respondent is holder of Permit Number 2811 and is authorized to operate livery vehicles in interstate and intrastate livery service. The evidence further shows that on January 11, 2006, the respondent dispatched one of its livery vehicles with marker plate Z6745Z from Farmington to Bradley International Airport. While at Bradley International Airport, the vehicle was stopped by state police and the passenger confirmed the intrastate nature of the trip.

Ms. Bergman was not present in the office when the trip occurred. She blames her driver and office manager for allowing the illegal trip to take place when the correct marker plates were available since the vehicle has interchangeable plates. The driver and office manager, left soon after the incident, to start their own livery company. Ms. Bergman suspects they may have done this to cause her into trouble since they knew they were leaving.

Since Ms. Bergman is the owner of the company, she is responsible for overseeing the entire operation of the business, whether she is there or not. The actions of her employees are entirely her responsibility. Ms. Bergman testified that she did not receive a fine in the Superior Court as a result of this situation. The court disposition in this matter has absolutely no affect on this Department citation action.

Since the respondent had interchangeable livery plates and had the ability, on the day in question, to have utilized an intrastate license plate, there will only be a civil penalty of \$250 imposed.

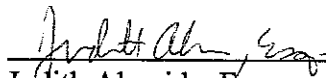
IV. ORDER

Based on the above, the respondent is hereby ordered to pay to the Department, a civil penalty in the amount of TWO HUNDRED FIFTY DOLLARS (\$250), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty (30) days from the date of this final decision.

Failure of the respondent to comply with this order shall result in revocation without further proceeding. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated in Newington, Connecticut this 6th day of August 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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