

DOCKET NO. HHB-CV-09-5014202-S

| | | |
|--------------------|---|-------------------|
| | : | SUPERIOR COURT |
| YELLOW CAB COMPANY | : | JUDICIAL DISTRICT |
| | : | OF NEW BRITAIN |
| <i>Plaintiff</i> | : | AT NEW BRITAIN |
| | : | MAY 24, 2010 |

v.

CONNECTICUT DEPARTMENT OF
TRANSPORTATION, et al.

Defendant

STIPULATED AGREEMENT

The Yellow Cab Company ("Yellow Cab") and the Connecticut Department of Transportation ("DOT") hereby move for the Court's approval of a stipulated agreement to resolve the litigation in this administrative appeal.

WHEREAS, the DOT has alleged that on or about June 30, 2004, yellow cab failed to comply with the statutes and regulations governing the operation of taxicabs;

WHEREAS, Yellow Cab disputes the allegations and continues to deny any guilt or wrongdoing;

WHEREAS, a hearing was held on the DOT's allegations and a final decision was issued with adverse findings and sanctions entered against Yellow Cab in DOT # 0702-C-41-T;

WHEREAS, Yellow Cab filed an administrative appeal of the final decision in HHB-CV-09-5014202-S, seeking to overturn the final decision in DOT #0702-C-41-T including

findings of fact #3 and #12 as well as conclusions of law #2 and #3 and the proposed sanctions; and

WHEREAS, the DOT and Yellow Cab wish to resolve the disputed claims pending in the administrative appeal.

NOW THEREFORE, the parties agree to the following:

1. The DOT's order in Docket Number 0702-C-41-T is repealed and replaced by the terms of this Stipulated Agreement.
2. A copy of this Stipulated Agreement shall be included in the file for Docket Number 0702-C-41-T and in Yellow Cab's permanent file.
3. Yellow Cab shall pay the amount of \$11,000 to the DOT as consideration for the settlement.
4. For a period of one year which commenced on September 25, 2009, each taxicab operating under Certificate Number 1 shall be inspected at least once every three months by a independent dealer/repairer licensed and authorized by the Commissioner of the Connecticut Department of Motor Vehicles ("DMV") pursuant to Conn. Gen. Stat. Section 14-52 to perform such inspections. Such dealer/repairer shall not be affiliated with Yellow Cab and shall not be based out of facilities owned or operated by Yellow Cab.
5. The results of the inspection described in paragraph number 4 above shall be recorded on the most recent revision of DMV Form R-361, the current revision being Rev. 6-2007. Copy attached as Exhibit 1. All inspection items on the DMV Form R-361 shall be inspected by the repairer.
6. Yellow Cab shall provide the DOT Regulatory and Compliance Unit with the completed DMV Form R-361 inspection report described in paragraph number 5 above for each taxicab operating under Certificate Number 1, regardless of whether the taxicab passes or fails the inspection. The DMV Form R-361 report form shall be provided to the DOT not later than five business days after the inspection of the taxicab subject to the inspection.
7. No taxicab that has failed an inspection item listed on DMV Form R-361 described in paragraph number 5 above will be allowed to operate under Certificate Number 1 or any other taxicab certificate held by the owners or principals of Yellow Cab until such time as the failed inspection item is repaired and the taxicab passes reinspection. Yellow Cab shall provide the DOT with any and all reinspection reports contained on the DMV Form R-361 inspection report as provided in paragraph number 6 above.
8. The Form R-361 reports shall be delivered to the DOT personnel designated by the DOT to receive such reports. In addition to the reports submitted by Yellow Cab to the DOT described in paragraphs 6 and 7 above, Yellow Cab shall deliver to the DOT, on a continuing quarterly basis and within ten business days following the close of the quarter, with the first quarter ending December 31, 2009, a complete three-page compilation of all such reports reflecting the inspections completed during the preceding 3 month period. DOT shall issue a receipt for all such reports submitted by Yellow Cab.

9. Any taxicab that passed one or more inspections in accordance with provisions of paragraphs 4 through 8 above since September 25, 2009 shall be credited as compliance with and apply to the inspection requirements of paragraph number 4 above.
10. The Court shall retain jurisdiction over this administrative appeal until such time as all conditions of this Stipulated Agreement have been fulfilled by Yellow Cab.

YELLOW CAB COMPANY
D/B/A/ YELLOW CAB

CONNECTICUT DEPARTMENT OF
TRANSPORTATION, LAILA MANDOUR,
HEARING OFFICER/DEFENDANT

RICHARD BLUMENTHAL
ATTORNEY GENERAL

BY: 

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ORDER

It is hereby ordered that the foregoing is GRANTED/DENIED.

BY THE COURT

JUDGE / CLERK

Date:

CERTIFICATION

I hereby certify that a copy of the foregoing was filed with the court and hand delivered this 24th day of May, 2010 to:

Attorney Mary Alice Moore Leonhardt

Charles H. Walsh

Moore Leonhardt & Associates LLC

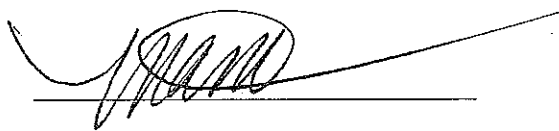
Assistant Attorney General

67 Russ Street

P.O. Box 120

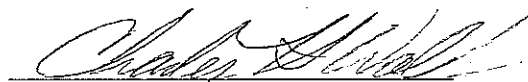
Hartford, CT 06106

Hartford, CT 06141-0120



Mary Alice Moore Leonhardt

Commissioner of the Superior Court



Charles H. Walsh

Commissioner of the Superior Court

EXHIBIT 1



Instructions for Owner/Carrier: This report is to be used by a Connecticut licensed dealer/repairer. When inspecting any service bus or taxicab motor vehicle for registration purposes (*Renewals Only*).

1. The owner/carrier of the vehicle must complete Section A in its ENTIRETY.
2. The owner/carrier must submit a photocopy of this PASSED report along with the renewal form.

Instructions for Connecticut Licensed Dealer/Repairer: The Connecticut licensed dealer/repairer must complete Section B, C, and the certification in Section D in its ENTIRETY. By completing Section (D), the licensed dealer/repairer is certifying that the vehicle meets inspection standards as outlined by the Department of Motor Vehicles. If repairs are not completed by the inspecting facility, the dealer or repairer must allow for one free inspection. All of the defects on the report must be repaired before the vehicle can be passed.

NOTE: Pursuant to the repair documentation on file at licensed location for a period of two (2) years after the inspection/repair of the vehicle.

OWNER/CARRIER INFORMATION (SECTION A) - MUST BE COMPLETED BY VEHICLE OWNER

| | | | | | | | | | | | | |
|---------------------------------|--|------|------|--|-------|---------------------------------|------------|--|-------|--|----------|--|
| OWNER/CARRIER NAME (Not Lessee) | | | | | | PHONE NUMBER | | | | | | |
| ADDRESS | | | | | | TOWN/CITY | | | STATE | | ZIP CODE | |
| MARKER PLATE NUMBER | | YEAR | MAKE | | MODEL | | BODY STYLE | | | VEHICLE TYPE <input type="checkbox"/> TAXI <input type="checkbox"/> SERVICE BUS | | |
| VIN | | | | | | MANUFACTURER'S SEATING CAPACITY | | | GVWR | | | |

DEALER/REPAIRER LICENSE INFORMATION (SECTION B) - MUST BE COMPLETED

| | | | | | | | | | | | | |
|-------------------------|--|--|--|--|--|--------------------------------|--|--|-------|--|----------|--|
| NAME OF REPAIRER/GARAGE | | | | | | PHONE NUMBER | | | | | | |
| ADDRESS | | | | | | TOWN/CITY | | | STATE | | ZIP CODE | |
| PRINCIPAL | | | | | | DEALER/REPAIRER LICENSE NUMBER | | | | | | |

DEALER/REPAIRER INSPECTION SECTION (SECTION C)

If the repairs are not completed by the inspecting facility, the dealer/repairer must allow for one free reinspection. All of the defects noted on the report must be repaired before the vehicle can be passed. Pursuant to the Regulations of Connecticut State Agencies Section 14-63-40, each dealer/repairer must maintain a copy of the inspection report and the repair documentation on file at its licensed location for a period of two (2) years after the repair of the vehicle. Customer must submit a photocopy of this report along with the renewal form.

| INDICATE ACTUAL MILEAGE BELOW (ODOMETER READING) | INITIAL INSPECTION | | INITIAL INSPECTION RESULTS | | AUTHORIZED SIGNATURE OF DEALER/REPAIRER | | DATE OF INSPECTION | |
|--|--------------------|------|-------------------------------|-------------------------------|---|--|----------------------|------|
| | PASS | FAIL | <input type="checkbox"/> PASS | <input type="checkbox"/> FAIL | X | | | |
| | RE-INSPECTION | | REINSPECTION RESULTS | | AUTHORIZED SIGNATURE OF DEALER/REPAIRER | | DATE OF REINSPECTION | |
| | PASS | FAIL | <input type="checkbox"/> PASS | <input type="checkbox"/> FAIL | X | | | |
| INSPECTION ITEM | INSPECTION | | COMMENTS (Describe Violation) | | | | REINSPECTION | |
| | PASS | FAIL | | | | | PASS | FAIL |
| SERVICE BRAKES | | | | | | | | |
| PARKING BRAKE | | | | | | | | |
| TIRES/WHEELS | | | | | | | | |
| STEERING SYSTEM | | | | | | | | |
| SUSPENSION | | | | | | | | |
| FRAME/CHASSIS | | | | | | | | |
| EXHAUST | | | | | | | | |
| FUEL SYSTEM | | | | | | | | |
| HEADLIGHTS | | | | | | | | |
| STOP/TURN LIGHTS | | | | | | | | |
| MISC. LIGHTS | | | | | | | | |
| WIPERS/WASHER | | | | | | | | |
| WINDSHIELD GLAZE | | | | | | | | |
| HORN | | | | | | | | |
| EMERGENCY EQUIPMENT | | | | | | | | |
| MIRRORS | | | | | | | | |
| SEATS/SEAT BELTS | | | | | | | | |
| HEATER/DEFROSTER | | | | | | | | |
| OTHER | | | | | | | | |

DEALER/REPAIRER INSPECTION CERTIFICATION (SECTION D) - MUST BE COMPLETED

The information provided to the Commissioner of Motor Vehicles herein is subscribed by me, the undersigned, under penalty of false statement in accordance with the provisions of Section 14-110 and 53a-157b of the Connecticut General Statutes. I understand that if I make a statement which I do not believe to be true, with the intent to mislead the Commissioner, I will be subject to prosecution under the above cited laws.

| | |
|--|------|
| Authorized Signature of Dealer/Repairer X | Date |
|--|------|

YELLOW CAB COMPANY VS.
CT DOT HHB-CV-09-5014202S

IN THE ABOVE-CAPTIONED MATTER, THE COURT
APPROVES THE PARTIES' STIPULATED AGREEMENT AND
AND THUS ENTERS A STIPULATED AGREEMENT ON THE
BELOW DATE.

(COHN, J) 5/27/10

STEPHEN GOLDSCHMIDT, COURT OFFICER
860-515-5144

20 FRANKLIN SQUARE
SUPERIOR COURT
NEW BRITAIN, CONNECTICUT 06051
HARTFORD CT 06144

AAAG CHARLES H WALSH III
ATTY GEN-TRANSPORTATION
PO BOX 120

DATED: MAY 27, 2010
HHB