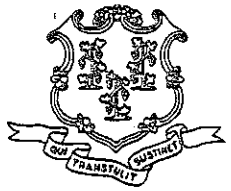
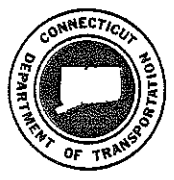


File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0707-C-108-L
(Complaint No. LV-07-1907-74)

RE: IN THE MATTER OF THE CITATION OF ABR
LIMOUSINE CO., INC.

Amended Final Decision

August 26, 2008

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I. INTRODUCTION

A. Background

By citation dated April 1, 2008, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, ABR Limousine Co., Inc. (hereinafter "respondent"), holder of Livery Permit Number 3054 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 3054 for the registration of interstate authority should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-102, et seq. for failure to maintain, on July 26, 2007, an active headquarters as required by Connecticut General Statutes Section 13b-103 and Regulations of Connecticut State Agencies Section 16-325-3. In addition, the respondent failed to have proper insurance as required by Connecticut General Statutes Section 14-29, nor has the company maintained any registered vehicles, in violation of Connecticut General Statutes Section 13b-106.

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

B. Hearing

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on May 1, 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 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 General Statutes.

C. Appearances

ABR Limousine Co., LLC, whose mailing address of 727 Redding Road, Redding, Connecticut, failed to appear at this hearing.

Eugene Morris, Public Transit Inspector 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 3054 and operates vehicles in interstate livery service as authorized by the Federal Highway Safety Administration in certificate MC-529517 from a headquarters in Connecticut.

2. On July 19, 2007, the department received a Notice of Cancellation of the respondent's marker plates (bearing number Z8245Z) for failure to file proper insurance with the Department of Motor Vehicles (hereinafter "DMV").

3. On July 26, 2007, as a result of the notification of plate cancellation from the DMV, the department undertook an investigation, which dispatched a special investigator to the respondent's headquarters for a headquarters check. The respondent was not present at the headquarters address of record, nor did there appear to be an active headquarters at the headquarters address of record.

4. On August 7, 2007, a notice of investigation letter was sent to the respondent regarding its violation of the headquarters requirement.

5. The notice of investigation was issued by certified mail and the mail was returned to the department by the United States Postal Service on September 4, 2007 with a sticker affixed stating "Return to Sender - Vacant - Unable to Forward".

6. On April 1, 2008, a Notice of Hearing was sent to the respondent's address of record, but was returned to the department with a sticker affixed by the United States Postal Service that stated "Return To Sender - Unclaimed - Unable to Forward".

7. The respondent failed to appear at the hearing.

III. DISCUSSION

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in livery service in the State of Connecticut in 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 3054 and is authorized to operate motor vehicles in interstate livery service. The evidence also shows that the respondent's plates were cancelled by the Department of Motor Vehicles for failure to provide proof of mandatory public service insurance. Robert Colucci, Supervising Special Investigator, found that the respondent failed to have insurance on file and failed to register vehicles. Colucci investigated the respondent's headquarters and found none at the headquarters address of the respondent. Lastly, the respondent's telephone number was that of a private person.

IV. CONCLUSIONS OF LAW

The evidence supports the conclusion that the respondent violated its livery permit issued pursuant to Connecticut General Statutes Section 13b-102 and 103 by failing to have proper insurance in accordance with Connecticut General Statutes Section 14-29, failing to have a vehicle registered for livery service, in violation of Connecticut General Statutes Section 13b-106 and failing to maintain a headquarters in accordance with Regulations of Connecticut State Agencies Section 16-325-3.

V. ORDER

Based on the above, Livery Permit Number 3054 standing in the name of ABR Limousine Co., LLC, is hereby revoked.

The revocation of Livery Permit 3054 shall take effect fifteen (15) days from the date of this final decision.

Dated at Newington, Connecticut on the 7th day of May 2008.

VI. OPENING OF RECORD

A. Motion to Open the Record

By written request dated May 13, 2008, the owner of the respondent, Richard Alfaro, sought to open the record to be heard on the failure to appear at the hearing. The request was granted and a hearing was scheduled

for July 29, 2008. The revocation was stayed pending the outcome of the second hearing.

B. Appearances

The respondent appeared through its owner, Richard Alfaro, without counsel. The respondent's mailing address is 727 Redding Road, Redding, Connecticut.

Robert Colucci, special investigator with the Regulatory and Compliance Unit of the department appeared on behalf of the Unit.

C. Respondent's Arguments

Richard Alfaro testified that he did not receive his mail because he has an issue with the postal service and the mailbox. A house was built next to the respondent's house and a mailbox was added and the two mailboxes, his and his neighbor's, are separated by two driveways that almost share a boundary. The respondent's mail is always delivered to the neighbor and the neighbor does not give Alfaro his mail. Alfaro has been trying to straighten this problem out with the postal service.

Alfaro also stated that his vehicle was registered in 2007, as evidenced by said registration certificate. Alfaro also produced insurance documents showing that the company's insurance was in place during the year in question.

D. Department's Arguments

Robert Colucci, special investigator for the Regulatory and Compliance Unit testified that, in light of the documents, the Regulatory and Compliance Unit did not object to vacating the revocation order.

VII. CONCLUSIONS OF LAW

The respondent did not violate its permit relative to maintaining insurance as required by Connecticut General Statutes Section 14-29. The respondent did not violate Connecticut General Statutes Section 13b-106, as evidenced by the registration documents produced and introduced into evidence.

As for failing to maintain an active headquarters on July 26, 2007, in accordance with Regulations of Connecticut State Agencies Section 16-325-1 no evidence was introduced to counter the department's allegations. Therefore, as there is no evidence to contravene the allegations and evidence of the respondent's failure to maintain a headquarters, the respondent will be issued a civil penalty. The respondent is hereby put on notice to maintain its headquarters in accordance with the statutes, regulations and policy governing livery businesses in Connecticut.

VII. ORDER

Based on the evidence presented, it is hereby ordered that the revocation of Permit No. 3054, for the registration of interstate livery authority is hereby vacated.

The respondent is hereby ordered to pay a civil penalty in the amount of Two Hundred Fifty Dollars (\$250) for failing to maintain a headquarters.

ABR Limousine Co., Inc. is hereby ordered to remit to the Department of Transportation a certified check, bank check or money order in the amount of Two Hundred Fifty Dollars (\$250) made payable to "Treasurer, State of Connecticut" within 30 days from the date of this Amended Final Decision.

Failure to comply with the order in this Amended Final Decision will result in further citation leading to revocation.

This Amended Final Decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut this 26th day of August 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration