



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0903-C-28-T

RE: IN THE MATTER OF THE CITATION OF LAVERN  
MCINTOSH D.B.A. COOL RUNNING TAXI

Final Decision

October 15, 2009

## I. INTRODUCTION

### A. General

By citation dated August 24, 2009, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Lavern McIntosh d.b.a. Cool Running Taxi (hereinafter "respondent"), holder of Certificate Number 1195, was ordered to come before the Department to answer the 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 Certificate Number 1195, issued for the operation of taxicab service, should not be suspended or revoked or a civil penalty imposed for violation of its certificate pursuant to Connecticut General Statutes Section 13b-96, et seq.

More specifically, it is alleged that on or about March 20, 2009, the respondent violated Connecticut General Statutes Section 13b-96 and the following Regulations of Connecticut State Agencies:

1. 13b-96-4-Knowledge of Regulations
2. 13b-96-20-Interuption of Service
3. 13b-96-22-Registration and Insurance
4. 13b-96-27-Unlawful Operation of a Taxicab
5. 13b-96-48-Inspection Required

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

### B. Hearing Held

Pursuant to Section 13b-96 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on September 24, 2009.

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-96, as amended. Notice was also posted on the Departments website.

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

Wakeland Cooper appeared pro se on behalf of the respondent, Lavern McIntosh, at the hearing. On September 23, 2009, Mrs. McIntosh executed a limited power of attorney on behalf of Mr. Cooper with regard to the taxicab business. The respondent's mailing address is 230 Matianuck Avenue, Windsor, Connecticut 06095.

Eugene Morris, Transportation Public Transit Inspector with the Regulatory and Compliance Unit, presented evidence on behalf of the Department.

## II. FINDINGS OF FACT

1. The respondent is the holder of Certificate 1195 in the name of Lavern McIntosh d.b.a. Cool Running Taxi which is authorized to operate one (1) motor vehicle in taxicab service in various towns in the Hartford area.
2. On March 20, 2009, the respondent received a ticket at Bradley International Airport for violation of several Department regulations. Specifically, the respondent violated sections 13b-96-20-Interruption of Service and 13b-96-22-Registration.
3. On September 23, 2009, Wakeland Cooper received a Limited Power of Attorney to act on behalf of his wife, Lavern McIntosh, with regard to the operations of Cool Running Taxi. Mr. Wakeland and Mrs. McIntosh are currently in negotiations regarding their upcoming divorce.
4. Mr. Cooper claims that he was unaware that his wife had cancelled taxi plate T4902T when he was stopped by the police at Bradley International Airport. The plate was cancelled on March 3, 2009.
5. Taxicab plate T4902T was not supposed to be on the 2005 Lincoln Town Car that Mr. Cooper was driving. This plate was assigned to a 2001 Lincoln Town Car.
6. The respondent had insurance on the 2001 and 2005 Lincoln Town Car starting February 25, 2009.

## III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in taxicab service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-96, as amended.

Pursuant to Connecticut General Statutes Section 13b-97, 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-96, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one hundred dollars per day for each violation.

The evidence shows that the respondent on March 20, 2009 violated several Department regulations. Specifically, the respondent violated sections 13b-96-20-Interruption of Service and 13b-96-22-Registration. Although Mr. Cooper claims he was unaware his wife had cancelled the taxicab plate, he should have known that he could not just move the plate from the 2001 Lincoln Town Car and put it on the 2005 Lincoln Town Car. The 2005 Lincoln Town Car was not registered at the time of the stop but subsequently was registered on April 3, 2009. The 2005 Lincoln Town Car had insurance from February 25, 2009 to September 12, 2009.

Based on the evidence presented, the respondent will be fined \$200 for failing to properly register the taxicab and for not notifying the Department that there was an interruption in service due to the cancelled plate.

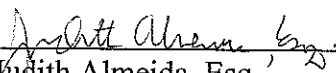
#### IV. ORDER

Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of TWO HUNDRED DOLLARS (\$200), 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 at Newington, Connecticut on this the 15th day of October 2009.

#### CONNECTICUT DEPARTMENT OF TRANSPORTATION

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