



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0911-C-83-L

RE: IN THE MATTER OF THE CITATION OF REGAL STAGEWAYS, INC.

Amended Final Decision

February 24, 2010

I. INTRODUCTION

A. General

By citation dated December 3, 2009, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Regal Stageways, Inc. was ordered to appear 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 Livery Permit Number 2499, issued for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of the permit pursuant to Connecticut General Statutes Section 13b-103, et seq.

More specifically, it is alleged that the respondent violated Connecticut General Statutes Section 13b-103 and the Regulations of Connecticut State Agencies sections 16-325-1, 16-325-3 and 16-325-4, by not having an active livery headquarters.

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-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on December 17, 2009. As a result of the respondent's failure to appear, the respondent's permit Number 2499 was revoked by a Final Decision issued on January 5, 2010. Upon learning of the revocation, the respondent requested on January 27, 2010, through his attorney, that this matter be reopened. A new hearing date of February 16, 2010 was set to rehear the matter.

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-103, as amended. Notice was also posted on the Department's 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

Steve Coan appeared pro se at the hearing after being duly notified. The respondent's mailing address is 59 Hungerford Street, Hartford, Connecticut 06106.

Eugene Morris, Transportation Public Transit Inspector with the Regulatory and Compliance Unit, presented evidence on behalf of the Department. Robert Colucci and Richard Majka, Department staff, appeared as witnesses at the hearing.

II. Finding of Facts

1. The respondent has listed 59 Hungerford Street, Hartford, Connecticut as its headquarters address. That address is also respondent's lawyer, Attorney Weisman's law office.

2. The applicant filed an application for a sale and transfer for five of its seven livery permits headquartered in Hartford in 2009.

3. As a result of the sale and transfer application, Department investigators checked to see if the respondent had a legal headquarters at 59 Hungerford Street, Hartford on four different occasions. Three known dates of headquarters inspection were November 4, November 5 and November 16, 2010.

4. During the attempted inspections only Mr. Weisman or Mr. Wiesburg was present at the office when the inspectors arrived. During the Department inspections, no one present at the office claimed to be an employee of Regal Stageways. Mr. Coan was not on the premises during any of the inspection dates.

5. Mr. Coan does not pay rent for the office at 59 Hungerford Street nor does he pay a salary for the receptionist services of Mr. Wiesburg, who is in employ of attorney Weisman.

6. When questioned by the investigators about the headquarters, Mr. Wiesburg never stated that he was employed by the respondent company as its part-time receptionist.

7. The respondent has consistently failed to accept its certified mail. The respondent failed to accept the original hearing notice which resulted in its permit getting revoked, after it failed to appear at the hearing scheduled for December 17, 2009. It also failed to accept the Final Decision issued on January 5, 2010, which notified the respondent of the revocation. The respondent also failed to accept the certified mail containing the rescheduled hearing notice.

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 in accordance with Connecticut General Statutes Section 13b-103, 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-103, 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 Department visited the respondent's legal address of record at 59 Hungerford Street in Hartford on four different occasions in the fall of 2009 and spoke to either Mr. Donald Weisman, the respondent's attorney or an employee of his, Mr. Ernie Wiesburg, who works as a receptionist. On these occasions there was no employee of the respondent at 59 Hungerford Street to book trips and answer the phone as required. Neither Mr. Weisman nor his receptionist, Mr. Wiesburg, acknowledged that they have the authority to conduct the respondents' business.

Mr. Coan claims that the investigators made a mistake in determining that he had no headquarters at that address. Mr. Coan says the investigators never stated they were performing a headquarters inspection upon their arrival and that this misunderstanding is why no headquarters inspection ever occurred. He also claims that both Mr. Weisman and Mr. Wiesburg gave the investigators the wrong impression and that Mr. Wiesburg is a part-time receptionist for the respondent. This makes no sense as Mr. Weisman surely would have told the inspectors he was employed by the respondent, upon their arrival. Apparently, even Mr. Weisman does not know he is working for the respondent.

Mr. Coan does not pay Mr. Wiesburg to answer the phone and book trips and he also does not pay Mr. Weisman rent for the office space. Mr. Coan's explanation that he pays rent but he did not know how much it was because it was not itemized in his attorney's bills, is simply not credible.

Mr. Coan attempted to prove the existence of the Hartford headquarters by showing numerous websites listing the Hartford office location and by offering phone records showing a Hartford phone number for the business. These websites and phone records do not prove that the respondent is operating from the Hartford address only that he has listed it as his address. In addition, the respondent's chronic failure to receive its certified mail at the Hungerford address also shows the lack of a headquarters.

The evidence shows that the respondent is not operating a legal headquarters at 59 Hungerford Street in Hartford. As such, the respondent will be fined \$1000 for each of the three occasions when the Department found no active headquarters at that address. Since the hearing notice did not contain a charge for Mr. Colucci's initial visit to the respondent's office, that violation date will not receive a civil penalty.

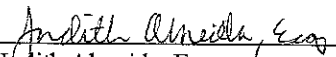
IV. ORDER

Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of THREE THOUSAND DOLLARS (\$3,000), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut" within thirty (30) days of the date of this decision.

Failure of the respondent to comply with this order will result in an immediate 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 24th day of February 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.

Staff Attorney III

Administrative Law Unit

Bureau of Finance and Administration