



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860 594-2875)

DOCKET NO. 1005-C-49-T
(Case No. TX06-2110-26)

RE: IN THE MATTER OF THE CITATION OF SAMUELS,
GEORGE D/B/A GEORGE TAXI.

Final Decision

September 7, 2010

I. INTRODUCTION

A. Background

By citation dated July 15, 2010, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, Samuels, George d/b/a George Taxi (hereinafter "respondent"), of Windsor, Connecticut, and holder of Taxicab Certificate Number 1024, 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 Certificate Number 1024 should not be suspended or revoked or a civil penalty imposed for violation of Regulations of Connecticut State Agencies as follows:

- Section 13b-96-30(a) and (b) for failure to produce records for inspection;
- Section 13b-96-41(c) for operating a taxi in an unsafe condition to wit: with a loose front suspension and defective parking brake;
- Section 13b-96-49(a) for failing to inspect every three months to assure the vehicles are properly maintained and failure to keep a written record of such inspections.

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-97 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on August 31, 2010.

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 4-182, 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

The respondent appeared through its owner, George Samuels and his driver, Abdigan Osman, who received the warning ticket. The respondent's mailing address is 42 Hayden Avenue, Windsor, Connecticut.

Eugene Morris, public transit inspector with the Regulatory and Compliance Unit of the Department of Transportation presented the Regulatory and Compliance Unit's evidence.

II. FINDINGS OF FACT

1. The respondent is holder of taxicab Certificate Number 1024 and two vehicles in taxicab service.

2. On June 6, 2010 during a combined Department of Motor Vehicles (D.M.V.) and Department of Transportation inspection at Bradley International Airport, a taxicab bearing marker plate number T5028T was stopped by the D.M.V. inspector.

3. The taxicab was registered to the respondent.

4. The taxicab was found to have a loose front end suspension and defective parking brakes.

5. Eugene Morris, transportation inspector with the Regulatory and Compliance Unit of the D.O.T., who was on site at the time of the inspection, thereafter requested inspection records from the respondent.

6. The respondent failed to provide said inspection records, although the respondent provided the re-inspection record for the vehicle in question, which was repaired, re-inspected and approved for service.

7. The applicant will inspect its vehicles every three months and keep a record of said inspections.

8. A maintenance log for the vehicle in question was provided at the hearing for the months of March, April, June and August 2010.

III. 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 in 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 supports the conclusions that he respondent violated Regulations of State Agencies Sections 13b-96-30(a) and (b), 13b-96-41(c) and 13b-96-49(a) for failure to produce records for inspection, operating a taxi in an unsafe condition to wit: with a loose front suspension and defective parking brake and for failing to inspect and keep a written record every three months to assure the vehicles are properly maintained, respectively.

IV. ORDER

Based on the above Samuels, George d/b/a George Taxi is hereby ordered to pay a civil penalty in the amount of One Hundred Dollars (\$100) each (for two violations) for violation of Regulations of State Agencies Sections 13b-96-30(a) and (b), 13b-96-41(c) for operating a taxi in an unsafe condition and failing to inspect and keep a written record of such three month inspections and further Samuels, George d/b/a George Taxi is ordered to pay One Hundred Dollars (\$100) for failing to produce records for inspection in violation of Regulations of Connecticut State Agencies Section 13b-96-49(a) for failing to inspect every three months to assure the vehicles are properly maintained and failure to keep a written record of such inspections for a total civil penalty in the amount of Three Hundred Dollars (\$300).

Samuels, George d/b/a George Taxi shall make payment of said civil penalty by bank check, certified check or money order payable to "Treasurer, State of Connecticut" within 30 days from the date of this final decision.

It is further ordered that Samuels, George d/b/a George Taxi provide to the Regulatory and Compliance Unit its three month inspection records beginning three months from the date of this final decision for a period of one year from said date.

Failure to comply with the orders herein stated may subject Samuels, George d/b/a George Taxi to further citations, suspension or revocation. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182.

Dated at Newington, Connecticut on this the 7th day of September 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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