



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:
(860) 594-2875

DOCKET NUMBER 1204-C-56-L

RE: IN THE MATTER OF THE CITATION OF ABBEY ROAD
TRANSPORTATION, LLC.

Reissued Final Decision

October 19, 2012

I. INTRODUCTION

A. General

By citation dated August 14, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Abbey Road Transportation, LLC. (hereinafter "respondent"), holder of Permit Number 2705, 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 Permit Number 2705, issued for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its permit pursuant to Connecticut General Statutes Section 13b-103, et seq.

More specifically, it is alleged that the respondent violated Connecticut General Statute Section 13b-109 for failure to show its Connecticut Permit Number in company advertisements.

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 September 25, 2012.

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.

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

Michael Lussier appeared pro se on behalf of the respondent. The respondent's mailing address is 568 Center Street, Manchester, Connecticut 06040.

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

D. Revocation

The applicant failed to appear at the original hearing scheduled for July 19, 2012 and a final decision was issued on July 31, 2012 revoking the respondent's livery permit. On August 8, 2012, the respondent requested to have the matter reopened which was granted and scheduled for September 25, 2012.

II. FINDINGS OF FACT

1. The respondent is the holder of livery Permit No. 2705 in the name of Abbey Road Transportation, LLC.
2. The respondent failed to put its Connecticut livery permit number in its company advertisements.

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3. The respondent was notified by citation notice dated May 1, 2012 that it had an issue regarding its advertisements. The respondent had not, by the date of the second hearing on September 25, 2012, corrected its websites.

III. CONCLUSION

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 respondent has violated the Connecticut General Statutes Section 13b-109 by not including its livery permit number in its Connecticut advertisements. The respondent admits that its advertisements such as its internet page, flyers and business cards do not have any Connecticut livery permit number listed.

The respondent claims that it is difficult for him to correct his internet pages and does not appear too anxious to actually make the correction. The respondent did submit a copy of some emails that he sent and received but there is no mention about the livery permit number that needs to be placed on the websites so these emails do not show that the respondent tried to correct the problem.

Given that the respondent has known about this problem when he received notice of it on May 1, 2012, and the fact that when he appeared at the second scheduled hearing on September 25, 2012, he had still not corrected the matter, the respondent will be a civil penalty of \$1,000.

This matter has been outstanding for over four months and at the time of the hearing the respondent had still not resolved it. The respondent will be given ten (10) days from the date of this decision to correct its web pages.

The respondent is also ordered to cease using any other literature which is in the form of an advertisement such as business cards and flyers that do not contain its Connecticut livery permit number as required. The Regulatory and Compliance Unit will continue to monitor the respondent's advertisements and if it finds the respondent has not complied by including the livery number, the respondent will be cited for this matter again.

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 ONE THOUSAND DOLLARS (\$1,000), 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.

THE RESPONDENT IS HEREBY REQUIRED TO PUT ITS LIVERY PERMIT NUMBER ON ALL OF ITS WEBSITES WITHIN TEN (10) DAYS FROM THE DATE OF THIS DECISION. THE RESPONDENT MUST ALSO SUBMIT A LIST OF ITS WEBSITES TO THE DEPARTMENT'S REGULATORY AND COMPLIANCE UNIT WITHIN TEN (10) DAYS FROM THE DATE OF THIS FINAL DECISION.

FURTHER, THE RESPONDENT IS TO IMMEDIATELY CEASE UTILIZING ANY BUSINESS CARDS OR FLYERS OR ANY OTHER FORM OF ADVERTISEMENTS WITHOUT ITS CONNECTICUT LIVERY PERMIT NUMBER.

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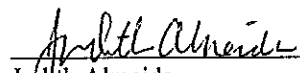
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Failure of the respondent to comply with this order shall result in revocation without further proceeding.

This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 19th day of October 2012.

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

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