



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

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DOCKET NUMBER 1211-C-151-L

RE: IN THE MATTER OF THE CITATION OF VINCENT J. SORRENTINO
D.B.A. SHORELINE LIVERY, LLC.

Final Decision

March 28, 2013

I. INTRODUCTION

A. General

By citation dated December 10, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Vincent J. Sorrentino d.b.a. Shoreline Livery, LLC (hereinafter "respondent"), holder of Livery Permit Number 3039, 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 3039, 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 the following Regulations of Connecticut State Agencies and Connecticut General Statutes:

1. 13b-103 Failure to have an active headquarters
2. 16-325-1(1)(2)(3) Failure to have an active headquarters as defined
4. 16-325-2 Notice of change of address
5. 16-325-4 Change of address

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 March 14, 2013. 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

Vincent Sorrentino appeared on behalf of the respondent. The respondent was represented by Christopher Smedick, Esq. with a mailing address of 472 Wheelers Farm Road, 3F, Milford CT 06460.

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

Richard Majka, Transportation Public Transit Inspector, appeared as a witness in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit 3039 in the name of Vincent J Sorrentino d.b.a. Shoreline Livery, LLC with a headquarters in Clinton which was granted on August 26, 2009.

2. In September 2009, the respondent identified 103 West Main Street, Clinton as the headquarters location.

3. A Secretary of State filing from 2010 had respondents business address listed as 85 Main Street in Centerbrook, Connecticut.

4. On March 15, 2012, Mr. Sorrentino updated his headquarters address with the department from 8 Grey Ledge Road, Clinton, Connecticut to 316A East Main Street, Clinton, Connecticut.

5. On December 18, 2012, the respondent filed an information sheet with the department showing a headquarters address listed at 316 East Main Street, Clinton.

6. As the result of an application filed by the respondent on January 31, 2012, the department sent Richard Majka out to the respondent's headquarters at 103 West Street, Clinton on November 2, 2012 to perform a headquarters check. There was no headquarters at that location. Mr. Majka interviewed the people at that location and neither heard of the respondent's business. This livery application lists the respondent's headquarters at 8 Grey Ledge Road, Clinton.

7. The respondent was given one week from the date of the hearing to submit paperwork showing evidence that its headquarters was at the 316A East Main Street Clinton location. The respondent provided only a filing with the Secretary of State office in which he tried to change his headquarters from Centerbrook to Clinton in 2010 well after the respondent received livery authority on August 6, 2009. The respondent also provided an invoice for business cards in 2010 showing the 103 West Main Street address.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in livery service in the State of Connecticut 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 evidence shows that respondent was changing its headquarters quite often and without informing the department as to his whereabouts. Respondent's explanation of where he was and when was often convoluted and it is not clear from the record that the respondent was actually where he says he was.

The respondent was asked to provide copies of leases, utility bills or some other concrete proof that he has maintained a headquarters office in Clinton. In response to this request, the respondent submitted an invoice from 2010 showing an order for business cards with a Clinton address and a failed Secretary of State filing from 2010 showing the Centerbrook headquarters which he was attempting to change to a Clinton address. Unfortunately, there is no substantive proof that respondent really had a headquarters in Clinton at all.

The respondent will be assessed a civil penalty of \$5,000 for not having a proper headquarters. In addition, the department will do periodic site visits at the headquarters to ensure compliance at the headquarters address respondent is claiming to be at now, 316A East Main Street, Clinton, Connecticut.

IV. ORDER

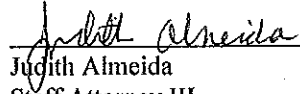
Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of \$5,000 (FIVE THOUSAND DOLLARS) by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within sixty (60) days from the date of 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 28th day of March 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
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Administrative Law Unit
Bureau of Finance and Administration