



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

DOCKET NUMBER 1304-C-227-T
(Complaint No. TX04-1613-25)

RE: IN THE MATTER OF THE CITATION OF CHAUFFEURED
LIMOUSINE SERVICE, INC. D/B/A RED DOT TAXI.

Final Decision

September 18, 2013

I. INTRODUCTION

A. Background

By citation dated May 24, 2013, sent by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, Chauffeured Limousine Service, Inc. d/b/a Red Dot Taxi (hereinafter "respondent"), holder of Taxicab Certificate Number 1220, 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 1220 should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-97 as amended, for violation of its taxicab certificate which was issued in accordance with Connecticut General Statutes Section 13b-97.

More specifically, the respondent was cited for violation of certain sections of the Regulations of Connecticut State Agencies as follows:

13b-96-4 for failure to have knowledge of the regulations;
13b-96-17 for operating a greater number of taxicabs than authorized;
13b-96-37 for charging other than taxicab fare;
13b-96-44(a), (b)(1),(b)(2) for failing to have proper taxicab ID; and
13b-96-49 for failing to have vehicle inspected.

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 27, 2013.

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 13b-97.

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

Chauffeured Limousine Service, Inc. d/b/a Red Dot Taxi appeared through, and was represented by Jeffrey Serlin, its owner. The respondent's mailing address is 569 Commerce Drive, Fairfield, Connecticut 06824.

Eugene Morris, Public Transportation Inspector with the Regulatory and Compliance Unit of the Department of Transportation presented the department's evidence.

II. FINDINGS OF FACT

1. The respondent is holder of taxicab Certificate Number 1220 and is authorized to operate motor vehicles in taxicab service within Connecticut.
2. The respondent company, Chauffeured Limousine Service, Inc. is also authorized to operate motor vehicles in livery service under Permit Number 2310, trade name Serlin International Limousine Service.
3. On April 15, 2013, the Regulatory and Compliance Unit of the department received a written complaint from Ray Longo alleging on April 1, 2013, the respondent was "operating livery cars as taxis with meters and lights on top of them. Also, operating black livery cars with no identification on the car with taxi plates on them." Department's Exhibit No. 2.
4. The Regulatory and Compliance Unit also received a photograph of a vehicle bearing livery marker plate L7528L that was outfitted with a dome light that said "TAXI." Department's Exhibit No. 3. This matter was addressed in a final decision issued in a companion case assigned Docket Number 1304-C-228-L wherein the respondent company was assessed a civil penalty.
5. Department's Exhibit No. 4 is a photograph taken from the back right corner of a vehicle bearing marker plate T5231T and a "taxi" dome light. The car appears to be parked, with no one in the vehicle.
6. By admission, the respondent operated vehicles marked as taxicab vehicles in livery service with livery marker plates, for which the company was assessed a civil penalty in companion case assigned Docket Number 1304-C-228-L.
7. The respondent stopped the practice of using taxicab vehicles for livery service.

III. DISCUSSION

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 respondent in this case is holder of taxicab certificate 1220. The respondent also operates a livery company under livery permit 2310, which also had a citation issues against it for operation of livery with taxicabs, stemming from the same nucleus of facts. This hearing officer disposed of that matter and a civil penalty was assessed.

The instant complaint alleges that the respondent is operating livery with taxicabs. In support of the allegation, two photographs were entered into evidence. Department's Exhibit No. 3 shows a taxicab with livery plates. This incident was addressed in the companion livery citation assigned Docket No. 1304-C-228-L. Department's Exhibit No. 4 shows a taxicab with a "T" (taxicab) marker plate and dome light. This vehicle is parked and there are no passengers in it. The photograph is not indicative of any violation or of the allegation that the respondent is using livery vehicles for taxi work. It is a taxicab, marked with a taxi plate and a dome light. The side of the vehicle, where the lettering and identification of the taxicab company should be is not clearly visible. The photograph is not dispositive of a violation.

Because the respondent has been cited in another matter stemming from the same nucleus of facts, because the facts in this case do not prove any additional violations, this matter will be dismissed.

IV. CONCLUSIONS OF LAW

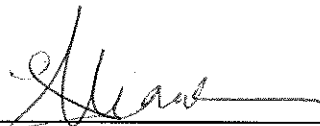
There is no substantial evidence in this matter to support the allegations that the respondent is operating taxicab service with livery vehicles, in violation of the Regulations of Connecticut State Agencies as enumerated above.

V. ORDER

Based on the foregoing, the citation assigned Docket No. 1304-C-227-T/Complaint No. TX04-1613-25 is hereby dismissed.

Dated at Newington, Connecticut on this the 18th day of September, 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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