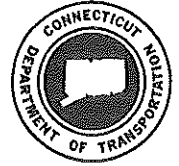




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1508-C-101-L

RE: IN THE MATTER OF THE CITATION OF FIRST
CLASSIC LIMOUSINE, LLC.

RECONSIDERATION OF
THE FINAL DECISION DATED NOVEMBER 16, 2015

March 14, 2016

I. INTRODUCTION

A. Background

By citation dated August 25, 2015, and issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, First Classic Limousine, LLC (hereinafter "respondent"), holder of Livery Permit Number 3159, 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 Permit Number 3159, for operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its permit, issued pursuant to Connecticut General Statutes Section 13b-103 for failure to maintain its Federal Motor Carrier Safety Administration authority in good standing, in violation of General Statutes Section 13b-102(b), and for failing to maintain insurance, in violation of Connecticut General Statutes Section 14-29.

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-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on October 20, 2015.

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-103, as amended.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

The Regulatory and Compliance Unit appeared through, Public Transit Inspector Carlos Redick. Redick presented the evidence on behalf of the department.

First Classic Limousine, LLC appeared through Walter Rosclair, its owner. The respondent's mailing address is 10 Suncrest Road, Norwalk, Connecticut 06854.

D. Late Filed Evidence

The respondent was afforded an opportunity to provide any evidence to support Rosclair's contention that the respondent's vehicles were all insured, or were not in operation. None was forthcoming. At the request of the undersigned hearing officer, the respondent was asked to provide evidence from its insurance company of coverage since the revocation of its Federal Motor Carrier Safety Administration's authority. That letter was submitted on November 5, 2015.

E. RECONSIDERATION

By written request for reconsideration, timely dated November 20, 2015, submitted by the respondent, this matter was scheduled for a reconsideration hearing on March 2, 2016.

The respondent appeared through Walter Rosclair, its owner. The Regulatory and Compliance Unit was represented by Felipe Briseno, Staff Attorney and supervisor of said unit.

II. REVISED FINDINGS OF FACT

1. On July 20, 2015, it came to the department's attention that the respondent's Federal Motor Carrier Safety Administration (hereinafter "FMCSA") authority was revoked as of September 22, 2014. The FMCSA authority was revoked for failure of the respondent to maintain insurance.

2. On July 4, 2015, the department sent the respondent a 30-day warning letter to come into compliance by insuring its vehicles.

3. ~~The respondent provided proof to the department of insurance coverage effective beginning August 20, 2015.~~

4. The respondent's FMCSA authority was reactivated on September 4, 2015.

5. The respondent operated two cars over the course of the last year.

6. Four cars were operated under the respondent's permit by a subcontractor through a power of attorney, and those four cars were insured during the period in question.

III. DISCUSSION 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-102, et seq. Section 13b-

103(c) provides in pertinent part: “. . . [T]he department may amend or, for sufficient cause shown, may suspend or revoke any such permit. The department may impose a civil penalty on any person or any officer of any association, limited liability company or corporation who violates any provision of this chapter or any regulation adopted under section 13b-102 with respect to fares, service, operation or equipment, in an amount not to exceed one thousand dollars per day for each violation. . . .”

Rosclair testified further as to the problems he had been having with another operator to whom he had given power of attorney to register “Z” plated vehicles for interstate service. The other operator had failed to take his vehicles off of the road after the initial citation was issued because that operator did not have any outstanding issues, in its opinion, with the department since it had all of its vehicles registered and insured.

Briseno testified that when the respondent became aware that there were issues with his permit and he was suspended by the Department of Motor Vehicles, he instantly complied and took his vehicles off the road. However, the operator to whom he had given power of attorney did not take his vehicles off the road.

Rosclair immediately complied with the Department of Motor Vehicles orders and contacted the Department of Transportation to try and rectify the problem he was facing. Although the respondent did have a few days he was not insured, his vehicles were not in use.

Members of the Regulatory and Compliance Unit staff had been continually working with the respondent to ensure the respondent came into compliance and also had been working to ensure that the other company, operating under power of attorney from the respondent, cooperated with the respondent in straightening out the problems with its permit.

~~Briseno testified that the respondent has been cooperative and has been working in good faith with the Regulatory and Compliance Unit to remove the other company from working under the respondent’s permit. The respondent has been in compliance since prior to the citation hearing. Further, the respondent continues to work with the Regulatory and Compliance Unit to maintain his livery permit in good standing.~~

The Regulatory and Compliance Unit recommended the civil penalty be assessed at Seven Hundred Fifty Dollars (\$750) for the initial uninsured status, but further, the Regulatory and Compliance Unit is not in support of the first civil penalty issued, based on the respondent’s absolute cooperation and compliance.

The respondent failed to maintain insurance violation of Connecticut General Statutes Section 14-29, and as such, violated the terms of its livery permit, issued pursuant to Connecticut General Statutes Section 13b-103. The respondent also failed to maintain its FMCSA registration, in violation of Connecticut General Statutes Section 13b-102.

IV. REVISED ORDER

Based on the totality of the circumstances, the order entered for a civil penalty in the amount of Forty-Nine Thousand Seven Hundred Fifty Dollars (\$49,750), as originally issued, is hereby VACATED.

A new civil penalty is hereby assessed in the amount of SEVEN HUNDRED FIFTY DOLLARS (\$750).

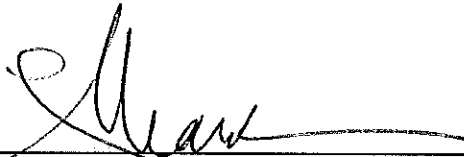
First Class Limousine, LLC is ordered to make this payment by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut" within 30 days of the date of this Final Decision.

Failure of First Class Limousine, LLC to comply with this order shall result in revocation without further proceeding.

This Final Decision constitutes notice within the meaning of Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this 14th day of March 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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