



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NUMBER 1805-C-60-L

RE: IN THE MATTER OF THE CITATION OF CONCIERGE ENTERPRISES,
LLC.

DECISION

NOVEMBER 30, 2018

I. INTRODUCTION

A. General

By citation dated October 12, 2018 and revised citation notice dated November 20, 2018, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-102, 13b-103 and 4-182 as amended, Concierge Enterprises, LLC (hereinafter "respondent"), holder of Interstate Livery Permit Number 3402, 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 Livery Permit Number 3402, issued for the registration of interstate livery 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, on or about April 19, 2018, it came to the attention of the department that Concierge Enterprises, LLC may be in violation of the following:

- DOT Agency Regulations:
 - o Sec 16-325-9 – Vehicles to Be Approved by Commission (Stretched GM Hummer)
 - o Sec 16-325-11 – General Equipment Requirements
 - o Sec 16-325-17 – Display of Name, of Permit Holder, and Identifying Number
 - o Sec 16-325-25 – Noncomplying Vehicles Excluded Form Service
- Regulatory and Compliance Policy:
 - o Mandatory Safety Equipment (Luggage barrier, safety triangles, fire extinguishers, first aid kits)
- Connecticut General Statutes:
 - o 13b-102 – Registration of Authorization for General Livery Service (Registering vehicles with plate types other than Z-Plates for interstate livery service)
 - o Sec 13b-103 – Permits, and Display of Permits (Failure to display conspicuously in the vehicles the permit's memoranda)
 - o Sec 13b-106 – Registration (Improper plates)
 - o Sec 14-29 – Insurance Requirements (No insurance)

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 November 27, 2018. 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

Concierge Enterprises, LLC (hereinafter the "respondent") failed to appear in this matter. The respondent's mailing address is 55 Lewis Street, Greenwich, CT 06830.

Felipe Briseno, Staff Attorney 3 with the Regulatory and Compliance Unit, presented the evidence in this matter.

Luis Maldonado, License and Application Analyst with the Regulatory and Compliance Unit, appeared as a witness in this matter.

Carlos Redick, Public Transit Inspector with the Regulatory & Compliance Unit, appeared as a witness in this matter.

Sergeant Matthew Davis, a Sergeant with the Department of Motor Vehicles Office of Safety and Enforcement, appeared as a witness in this matter.

D. Dismissal of Policy Violation

The department is unable to hold the respondent accountable for policy violations that have not been adopted as either a department regulation or a Connecticut General Statute. Therefore, the policy violation for Mandatory Safety Equipment is hereby dismissed. All of the other violations in the hearing notice will be addressed.

E. Evidence Incorporation

The evidence presented in Docket Number 1805-C-63-B, the companion citation case, is hereby incorporated into Docket 1805-C-60-L.

II. FINDINGS OF FACT

1. The respondent is the holder of interstate livery permit number 3402 in the name of Concierge Enterprises, LLC with a headquarters in Greenwich. This permit was granted on April 2, 2014. (Department Exhibit #16A)
2. On April 6, 2018, the department received notice from Eve Vaccaro of P.A. Post insurance that the respondent had been operating twenty-seven (27) vehicles without insurance since March 22, 2018. Many of these vehicles were being operated with either service bus or commercial plates. (Department Exhibit #2A)
3. On April 9, 2018, the department notified Lieutenant Garfield Green the Department of Motor Vehicles (hereinafter "DMV") of the respondent's lack of insurance. (Department Exhibit #3A)
4. On April 20, 2018, the department was provided information that Sergeant Davis went to the respondent's headquarters and took photographs of a stretch Hummer and a trunk full of license plates which were seized by the DMV. Sergeant Davis also visited two other locations occupied by the respondent to seize all of the other plates, known to DMV, to be registered to the respondent. (Departments Exhibit #7A)
5. Jean Pierre Vitte, the sole member of Concierge Enterprises, LLC, is also operating an unauthorized livery service named Michaels Limousine from the same headquarters on Lewis Street. (Department Exhibit #7A)
6. On April 24, 2018, the department sent out a warning letter to the respondent detailing the allegations against it. (Department Exhibit #13A)
7. After the license plates were seized by DMV, the respondent registered the vehicles with temporary plates which were not proper to preform livery work. (Department Exhibit #9A)
8. On June 26, 2018, the respondent retained insurance through New York Marine & General. (Department Exhibit #14A)
9. On July, 25, 2018, the department again forwarded to the respondent the allegations against it. (Department Exhibit #13A)
10. On August 24, 2018, the department was again notified that the respondent's new insurance was cancelled. (Department Exhibit #15A)
11. The FMCSA reflects that the respondent had two involuntary revocations on May 15, 2018 and October 31, 2018. After the May 15, 2018, revocation the respondent was reinstated on July 11, 2018 only to be revoked again on October 31, 2018. (Department Exhibit #19A)

12. The DMV records reflect that the respondent had its insurance cancelled on several occasions in 2018. (Department Exhibit # 21A)

13. The respondent had five (5) vehicles registered with the department under Livery Permit Number 3402. (Department Exhibit 17A).

14. Other than those vehicles which were disclosed and required an inspection, the department did not inspect any of the other vehicles being operated under permit 3402. (Department Exhibit #17A)

15. The respondent committed several offenses including tariff violations, operating vehicles not approved by the department including a stretched GM Hummer, equipment violations, failure to display permit holder name and identifying number and operating noncomplying vehicles.

16. The respondent also registered vehicles with plate types other than Z-Plates for interstate livery service, failed to display the permit's memoranda and had no insurance.

17. The respondent failed to appear at the citation hearing.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over the registration of motor vehicles in interstate livery service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-102, 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 (\$1,000) dollars per day for each violation.

In addition to the documentary evidence provided, the department also presented the testimony of witnesses from the Regulatory & Compliance Unit and Sergeant Davis from DMV who testified about the numerous violations committed by the respondent. The evidence shows that the respondent is guilty of these violations, the most serious being the lack of insurance.

The respondent has committed violations of department regulations and the Connecticut General Statutes as follows: Regulations of Connecticut State Agencies Section 16-325-9 – Vehicles to Be Approved by Commission (Stretched GM Hummer), Section 16-325-11 – General Equipment Requirements, Section 16-325-17 – Display of Name, of Permit Holder, and Identifying Number and Section 16-325-25 –Noncomplying Vehicles Excluded from Service.

The respondent also has committed violations of Connecticut General Statutes Section 13b-102 – Registration of Authorization for General Livery Service (Registering vehicles with plate types other than Z-Plates for interstate livery service), Section 13b-103 –Permits, and Display of Permits (Failure to display conspicuously in the vehicles the permit's memoranda), Section 13b-106 – Registration (Improper plates) and Section 14-29 – Insurance Requirements (No insurance).

The respondent has committed numerous offences and is a danger to the general public by operating without insurance. In addition, the respondent has failed to appear to answer these serious allegations. The department will therefore revoke this authority.

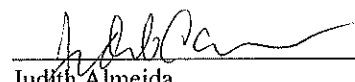
IV. ORDER

Based on the above, Interstate Livery Permit 3402, in the name of Concierge Enterprises, LLC, is hereby revoked. The revocation is to take effect on December 14, 2018.

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

Dated at Newington, Connecticut on this the 30th day of November 2018.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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