



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0608-C-28-L

MAY 10 2007 *cfb*

RE: IN THE MATTER OF THE CITATION OF ABILITY BEYOND
DISABILITY.

5/10/07 *cfb*

\$200.00

Check # 887615150

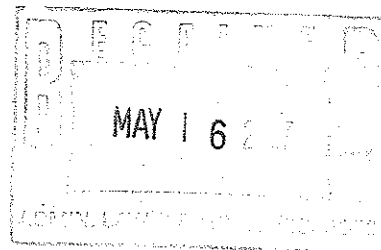
Transaction # 62046

Mail Rm Sht # 213PT

Final Decision

5/16/07 AM
on PC *cfb*

April 23, 2007



I. INTRODUCTION

A. General

By citation dated March 1, 2007, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Ability Beyond Disability (hereinafter "respondent"), holder of Livery Permit Number 2761, 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 2761, issued for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its livery permit pursuant to Connecticut General Statutes Section 13b-102, et seq.

More specifically, it is alleged that on or about March 31, 2005, the respondent violated Connecticut General Statutes Sections 13b-103 by failing to maintain a motor vehicle in general livery service with a valid registration and failing to provide adequate service for which the authority was requested and issued.

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 April 17, 2007.

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

Carlos Pascoa appeared pro se on behalf of the respondent. The respondent's mailing address is 135 Old State Road, Brookfield, Connecticut 07804.

Robert Colucci, Supervising Special Investigator, with the Regulatory and Compliance Unit, presented evidence on behalf of the department.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2761 in the name of Ability Beyond Disability and is authorized to operate bus type motor vehicles in intrastate livery service from a headquarters in Brookfield.
2. On March 31, 2005, the respondent failed to have any vehicles registered in livery service.

3. Carlos Pascoa, Transportation Manager for the respondent, testified that he was unaware of the requirement to have a vehicle registered. Since he became aware of the requirement, he registered a vehicle.

4. The respondent is currently operating a vehicle under contract with Logisticare.

III. DEPARTMENT ANALYSIS 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 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-102 through 13b-109, 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 the respondent on March 31, 2005, failed to have a vehicle registered in livery service. Since that time, the respondent has registered a vehicle in livery service and has begun providing transportation for Logisticare, a transportation broker.

While the respondent is clearly in violation of its permit, the department will be lenient since the respondent has since registered a vehicle. The respondent will, therefore, be assessed a civil penalty of \$200.

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 TWO HUNDRED DOLLARS (\$200), 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.

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 23rd day of April 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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