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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

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DOCKET NUMBER 0610-C-50-L
(Complaint No. LV-05-2306-43)

RE: IN THE MATTER OF THE CITATION OF
FARMINGTON VALLEY LIVERY, LLC.

Final Decision

July 6, 2007

I. INTRODUCTION

A. Background

By citation dated March 23, 2007, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Farmington Valley Livery, LLC (hereinafter "respondent"), holder of Livery Permit Number 2190, 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 2190 for operation of livery service should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-102, et seq.

It is alleged that on May 23, 2006, the driver and company owner operated a motor vehicle bearing New Jersey Marker Plate No. ULH58H in intrastate livery service without an intrastate livery marker plate in violation of its permit issued pursuant to Connecticut General Statutes Section 13b-103 and of General Statutes Section 14-27(d) and without public service liability insurance in violation of Connecticut General Statutes Section 14-29(a)

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 May 24, 2007.

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.

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

The respondent appeared at the hearing through Athar Akhtar, its owner. The company's address is 542 Hopmeadow Street, Suite 116, Simsbury, Connecticut. The respondent was represented by Alan Berman, Esquire, whose address is 606 Farmington Avenue, Hartford, Connecticut.

Robert Colucci, special investigator with the Regulatory and Compliance Unit of the department presented the evidence for he department. Eugene Morris, public transportation inspector with the Regulatory and Compliance Unit of the Department of Transportation appeared as a witness.

II. FINDINGS OF FACT

1. The respondent, holder of Livery Permit Number 2190, is authorized to operate motor vehicles in livery service to all points in Connecticut from a headquarters in Simsbury, Connecticut.

2. On May 23, 2006, department personnel were conducting a joint field enforcement operation in conjunction with State Police Troop W at Bradley International Airport in Windsor Locks, Connecticut.

3. The State Police pulled over the vehicles that appeared to be providing livery service and Eugene Morris, inspector with the department and Robert Colucci, special investigator with the department checked the registration, insurance, licensing and safety equipment.

4. The respondent's vehicle approached the inspector and police carrying a passenger in the back seat. Morris recognized the respondent's owner from a prior meeting with him.

5. The respondent's vehicle was pulled over. Morris determined that the trip was for hire, with a pick-up in Bolton and drop off in Windsor Locks at Bradley International Airport.

6. Morris and the state police officer collected the registration and a rental agreement from the respondent.

7. The vehicle's registration was from New Jersey and the car had a New Jersey marker plate ULH58H.

8. The respondent's livery vehicle was involved in an accident on April 28, 2006 and the respondent took it to a body shop in New York for repair.

9. The respondent rented the vehicle in question (that was used to provide the livery trip) from Hertz car rental company to replace his livery vehicle so he could resume his business. The vehicle was not registered to the respondent.

10. After the repair of his livery vehicle, the respondent placed the vehicle in service.

11. The respondent did not inquire as to whether his insurance would cover the rented vehicle for purposes of commercial use.

12. The respondent has had no prior issues or citations.

III. DEPARTMENT 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 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 in this matter shows that the respondent is holder of Permit Number 2190 and is authorized to operate vehicles in livery service within the State of Connecticut from a headquarters in Simsbury. The evidence further shows that the respondent's livery vehicle was damaged in a car accident, through no fault of the respondent. As a result of the accident, the respondent sent the vehicle to be repaired in New York.

Because of prior commitments, the respondent rented a vehicle from Hertz to provide the livery service that was previously booked. The respondent was stopped during a safety and compliance inspection and was found to be providing livery service with a vehicle bearing a passenger plate and the vehicle was not insured in accordance with the statutory requirements for commercial vehicles. The respondent was issued a misdemeanor summons by State police and was cited for administrative sanctions.

There are no provisions in the Connecticut statutes and regulations that allow for a company to use a rented vehicle to provide livery service. Moreover, livery insurance will not cover a vehicle not registered to the livery company. The respondent's actions could have resulted in serious consequences to members of the general public.

While the department sympathizes with the respondent's involvement in an accident, the respondent's actions cannot be condoned and overlooked as they constitute a safety issue for the public. Accordingly, a civil penalty will be ordered as an administrative sanction for violation of the respondent's permit as issued in accordance with Connecticut General Statutes

Section 13b-103(a). The respondent is well advised to speak to the Regulatory and Compliance Unit inspectors or investigators when it encounters a problem with its business to avoid future situations such as this.

IV. ORDER

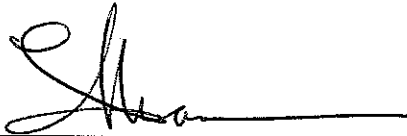
The respondent is hereby ordered to pay to the Department of Transportation a civil penalty in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty days from the date of the final decision.

Failure to comply with the above order may subject Farmington Valley Livery, LLC to further sanctions including suspension or revocation.

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

Dated in Newington, Connecticut this 6th day of July 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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