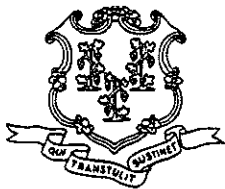
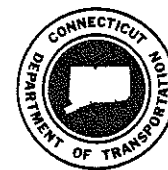


File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0705-C-52-L
(Case No. LV01-1306-02)

RE: IN THE MATTER OF THE CITATION OF REGAL
STAGEWAYS, INC.

Final Decision

December 21, 2007

I. INTRODUCTION

A. General

By citation dated October 31, 2007, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Regal Stageways, Inc (hereinafter "respondent"), holder of Livery Permit Number 2499, 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 2499, 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 January 11, 2006, a driver for the respondent operated a motor vehicle bearing Connecticut interstate livery marker plate number Z5687Z in intrastate livery service without an intrastate livery permit in violation of Connecticut General Statute Section 13b-103(a) and without intrastate livery marker plates in violation of Connecticut General Statutes Section 4-27(d).

In addition, on or about May 17, 2007, a driver for the respondent operated a motor vehicle bearing Connecticut intrastate livery marker plate L6626L in interstate livery service while the vehicle was unregistered, in violation of Connecticut General Statutes Section 13b-103(a) and 14-12(a).

As per the respondent's request, the citation was served upon the respondent at 331 Main Street, Bristol, Connecticut by first class and certified mail and recited the department's reasons for issuing it. The respondent did not claim the certified notice of hearing but did receive the notice sent by first class mail.

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, 2007. This hearing was originally held on August 30, 2007 but the respondent failed to appear so the hearing was rescheduled for November.

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

Stephen Coan appeared pro se on behalf of the respondent, Regal Stageways, Inc. The respondent's mailing address is 331 Main Street, Bristol, Connecticut 06010.

Wayne Sinclair, a member of staff, presented evidence on behalf of the Department.

Robert Colucci, Supervising Special Investigator, with the Regulatory and Compliance Unit, was a witness in this matter.

Eugene Morris, a Public Transportation Transit Inspector, was a witness in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2499 in the name of Regal Stageways, Inc. and has been authorized to operate in intrastate and interstate livery service from a headquarters in Hartford and Newington.
2. On January 11, 2006, a driver for the respondent operated a motor vehicle bearing Connecticut interstate livery marker plate number Z5687Z in intrastate livery service without an intrastate livery permit in violation of Connecticut General Statutes Section 13b-103(a) and without intrastate livery marker plates in violation of Connecticut General Statutes Section 4-27(d).
3. On May 23, 2006, a driver for the respondent operated a motor vehicle bearing Connecticut interstate livery marker plate number L6626L in interstate livery service while the vehicle was unregistered in violation of Connecticut General Statutes Section 13b-103(a) and 14-12(a).
4. A Notice of Hearing was sent to the respondent at the mailing address of 331 Main Street, Bristol, Connecticut. The Notice of Hearing was not claimed by the respondent but the respondent did receive the notification letter sent by first class mail.
5. The respondent failed to appear in Superior Court for this violation. On June 4, 2007, the respondent was sent a letter from the Department of Motor Vehicles that if it did not reopen the court case it would have its registration privileges suspended.
6. The respondent failed to reopen its case by July 7, 2007 and as a result had its registration privileges suspended.

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 of record shows that on January 11, 2006, the respondent allowed the operation of a motor vehicle bearing Connecticut interstate livery marker plate number Z5687Z in intrastate livery service without an intrastate livery permit or the proper marker plates.

In addition, on May 23, 2006, a driver for the respondent operated a motor vehicle bearing Connecticut interstate livery marker plate number L6626L in interstate livery service while the vehicle was unregistered in violation of Connecticut General Statute Section 13b-103(a) and 14-12(a).

The Department's records show that the respondent was listed as having a mailing address at 331 Main Street in Bristol, Connecticut. A Notice of Hearing was sent this address by certified mail and the respondent failed to claim it after three attempts at delivery. The respondent claims that the postal carrier does not deliver certified mail to the respondent's headquarters address and that he has complained to the post office about this problem and they have taken no corrective action. The respondent offered no proof that he was having difficulty receiving his certified mail.

The respondent has an obligation to claim its certified mail from the Department. The Department will not accept the respondent's alleged difficulty with the postal carrier as an excuse for failing to accept the certified mail. The respondent committed the two violations and shall receive a civil penalty in the amount of \$500 for each violation for a total of \$1000.

The respondent had its motor vehicle registrations suspended as of July 4, 2007 for failing to appear in Superior Court for the violations. Mr. Coan testified that he spoke with someone at the Department of Motor Vehicles and they informed him that this meant that he could not renew or register any new vehicles but that his current motor vehicle registrations were not suspended. This is contrary to the letter dated June 4, 2007, sent to the respondent from the Department of Motor Vehicles which stated that any vehicle registered in the respondent's name is prohibited from being operated.

As a result of the vehicle registration suspension by the Department of Motor Vehicles, the respondent will be required to prove that it has had its registrations restored before submitting the \$1000 civil penalty for the two violations.

IV. ORDER

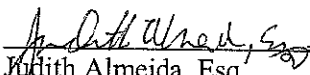
Based on the above, the respondent is hereby ordered to pay to the Department of Transportation a civil penalty of **ONE THOUSAND DOLLARS (\$1000)**, by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty days from the date of the final decision. **The respondent must submit proof to the Department of Transportation that the Department of Motor Vehicles has restored its motor vehicle registrations prior to paying the \$1000 civil penalty.**

The respondent is ordered to resolve its suspended registration privileges within thirty (30) days from the date of this decision. The respondent shall provide a letter to the Department showing that it had its motor vehicle registrations restored. If the respondent fails to provide this information to the Department, within thirty (30) days from the date of this decision, respondent's livery permit will be revoked without further proceeding.

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 21st day of December 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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