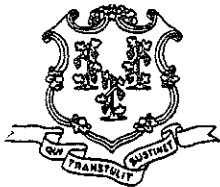


File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone: (860) 594-2875

DOCKET NUMBER 0706-C-77-L
(Complaint No. LV-08-2006-91)

RE: IN THE MATTER OF THE CITATION OF DEE DEE
LIMOUSINE, LLC.

Final Decision

April 11, 2008

I. INTRODUCTION

A. Background

By citation dated March 3, 2008, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Dee Dee Limousine, LLC (hereinafter "respondent"), holder of Livery Permit Number 2810, 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 2810, for the operation of livery vehicles, should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-102, et seq. for the following allegations:

- On or about March 16, 2006, the permit holder executed the sale of the company to Harbhajan Singh and failed to file for approval from the Department of Transportation in violation of Section 16-325-2(1) through (4) of the Regulations of Connecticut State Agencies;

- On or about December 19, 2006, the permit holder failed to maintain a livery headquarters, as defined by Section 16-325-1 of the Regulations of Connecticut State Agencies;

- On or about December 19, 2006, the permit holder failed to maintain records and information in proper manner in violation of Section 16-325-5 of the Regulations of Connecticut State Agencies;

- On or about December 19, 2006, the permit holder failed to maintain and charge proper rates as filed with the Department of Transportation, in violation of Section 16-325-7 of the Regulations of Connecticut State Agencies;

- On or about June 8, 2007, the respondent failed to maintain insurance coverage as required by Section 14-29 of the Connecticut General Statutes and all registrations were cancelled by the Department of Motor Vehicles.

The citation was served upon the respondent by first class and certified mail at its mailing address of record 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 April 3, 2008.

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 failed to appear at this hearing. The respondent's mailing address of record is 59 Broad Street, Norwalk, Connecticut 06854.

Wayne Sinclair, staff of the Regulatory and Compliance Unit of the Department of Transportation presented the evidence in this matter and public transit inspector, Eugene Morris, appeared as the department's witness.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2810 and is authorized to operate motor vehicles in intrastate and interstate livery service.
2. On May 11, 2006, Harbhajan Singh filed an application with the department for the purchase of a livery company.
3. On August 30, 2006, Eugene Morris, public transit inspector, was dispatched to conduct a headquarters check of the company.
4. After several visits to the address of record, during the posted business hours, Morris found no company.
5. After sending a letter to the respondent advising of investigation of the company, Morris conducted another headquarters check; however Singh did not have proper records or a tariff on file.
6. Morris reviewed the company records and determined that the respondent company had not been transferred in accordance with Connecticut statutes and regulations, and the department had not approved the sale.
7. On June 8, 2007, the department received a Notice of Plate Cancellation, issued by the Department of Motor Vehicles, to the respondent company based on failure to have the proper insurance on file.

8. A check on the respondent company with the Federal Motor Carrier Safety Administration by Morris revealed that the respondent's federal authority had been involuntarily revoked on May 22, 2007.

9. As of the date of hearing, the respondent had taken no action to reinstate its authority or contact the department to clarify its situation.

10. On March 8, 2008, the respondent received the Notice of Hearing that was sent by the department.

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

III. DISCUSSION

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 uncontroverted evidence in this matter shows that there was an attempt to sell the respondent company to a purchaser without approval from the department. Upon investigation of the purported headquarters address no headquarters could be found; no trips sheets could be reviewed, nor was there a tariff on file. Upon notification from the Department of Motor Vehicles of cancellation of the respondent's marker plates, Eugene Morris, of the Regulatory and Compliance Unit of the department, determined that the respondent did not have insurance on file, nor did the respondent have any vehicles registered in its name. Lastly, Morris retrieved documentation from the Federal Motor Carrier Safety Administration showing that the respondent's federal authorization for livery service was listed as "involuntary cancellation."

IV. CONCLUSIONS OF LAW

Based on the evidence, the respondent is in violation of Connecticut General Statutes Section 13b-102 et seq. by violating its permit requiring a permit holder to be in compliance with the statutes and regulations governing livery business in Connecticut. The respondent is in violation of Regulations of Connecticut State Agencies Section (hereinafter "RCSA") 16-325-1 for failing to maintain a headquarters.

Further, the respondent is in violation of RCSA Section 16-325-2(1) through (4) for failing to file for an application for the transfer on the prescribed form, for failure of the transferor to demonstrate that he is performing the service with reasonable frequency and continuity, for failure of the transferee to demonstrate fitness and propriety to perform livery services and for failing to have the department approve the transfer, respectively.

The respondent is in violation of RCSA Section 16-325-5 for failing to maintain its accounts, books and records in sufficient detail to readily furnish to the authority, upon requests, reports of their financial condition and the results of their operations.

The respondent is in violation of RCSA Section 16-325-7 for failure to render livery service under such rates and charges as are on file with the department.

Lastly, the respondent is in violation of Connecticut General Statutes Section 14-29 for failing to maintain insurance, which is a requirement of the respondent's permit.

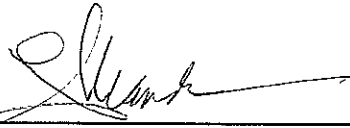
As there has been no contact with or from the respondent since the issuance of the investigation letter by the Regulatory and Compliance Unit of the department and further, since there has been no contact from the respondent relative to the issuance of the Notice of Citation hearing, then it is reasonable to draw the conclusion that the respondent is no longer in business or that the respondent does not wish to remain in business.

V. ORDER

Accordingly, based on the above, livery Permit Number 2810, standing in the name of Dee Dee Limousine, LLC, is hereby revoked. Revocation shall become effective fifteen (15) days from the date of the final decision.

Dated at Newington, Connecticut on this the 11th day of April, 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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