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STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NUMBER 0704-C-82-L  
(Case No. LV04-1207-43)

RE: IN THE MATTER OF THE CITATION OF BASIC AIRPORT  
TRANSPORTATION, INC.

REISSUED FINAL DECISION

February 26, 2008

1624

I. INTRODUCTION

A. General

By citation dated May 10, 2007, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Basic Airport Transportation, Inc (hereinafter "respondent"), holder of Livery Permit Number 2521, 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 2521, 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 April 18, 2007, an investigator found that there was no active headquarters at the address of record required by Connecticut General Statutes Section 13b-103 and Section 16-325-3 of the Regulations of Connecticut State Agencies.

The citation was served upon the respondent at 16 River Street, Norwalk, Connecticut 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 August 28, 2007. The respondent did not appear at this hearing. Mr. Fay later contacted the Department of Transportation and the case was rescheduled for February 5, 2008.

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

Thomas Fay appeared on behalf of the respondent, Basic Airport Transportation, Inc. The respondent's mailing address is 16 River Street, Norwalk, Connecticut 06851.

Eugene Morris, Transportation Public Transit Inspector, with the Regulatory and Compliance Unit, was a witness in this matter.

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

## II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 2521 in the name of Basic Airport Transportation, Inc. and has been authorized to operate in interstate livery service from a headquarters in Norwalk since November 1990.

2. On April 18, 2007, an investigator with the department, Eugene Morris, went to the respondent's address of record, 25 Van Zant Street, Norwalk and found that the respondent had vacated that office over a year ago. Mr. Morris discovered another address for the respondent at 16 River Street, Norwalk, Connecticut which is reflected on the company's motor vehicle records.

3. A Notice of Hearing was sent to the respondent at 16 River Street, Norwalk Connecticut on May 19, 2007. The Notice of Hearing was signed for and received by Thomas Fay, the secretary of Basic Airport Transportation, Inc.

4. The respondent failed to appear at the citation hearing on August 28, 2007.

5. After receiving a revocation for failure to appear, Mr. Fay asked to have the hearing reopened to address the violations.

6. Thomas Fay testified that he vacated the Van Zant address at least a year earlier and had moved to the River Street address. Mr. Fay had never notified the Department of this change in addresses.

## 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 was listed as having a headquarters at 25 Van Zant Street, Norwalk, Connecticut. At some point, the respondent moved its operation to 16 River Street, Norwalk without notifying the department. This is the address of record the respondent is using on its motor vehicle registrations. The respondent failed to maintain a headquarters at the proper address of record and has failed to notify the department about its address change.

Mr. Fay explained that he did not notify the Department of the change of address from Van Zant to River Street. He appeared to believe that this citation hearing was being held due to the fact that the company could not be located at 16 River Street, when in fact the citation was held because the company could not be located at the Department's address of record at 25 Van Vant Street, Norwalk, Connecticut. Mr. Fay has officially changed the Department's records to reflect that the headquarters address is now 16 River Street in Norwalk.

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 FIFTY DOLLARS (\$250), 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 26th day of February 2007.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

  
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Judith Almeida, Esq.

Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration