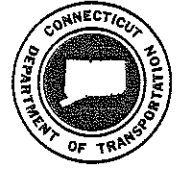


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STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546  
Phone: (860 594-2875

DOCKET NUMBER 0707-C-112-T

RE: IN THE MATTER OF THE CITATION OF AIRPORTS CARRIER CAB, LLC.  
(Complaint No. TX08-0807-35)

Final Decision

September 16, 2008

I. INTRODUCTION

A. Citation

By citation dated April 22, 2007, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, Airports Carrier Cab, LLC (hereinafter "respondent"), located at 738 Maple Avenue, Hartford, Connecticut, and holder of Taxicab Certificate Number 1187, 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 Certificate Number 1187 should not be suspended or revoked or a civil penalty imposed for violation of its certificate, issued pursuant to Connecticut General Statutes Section 13b-97, as amended, for the following violations:

1. Failure to maintain a business address on file with the commissioner in violation of Regulations of Connecticut State Agencies Section 13b-96-12;
2. Failure to maintain communications and dispatch service in violation of Regulations of Connecticut State Agencies Section 13b-96-19;
3. Failure to maintain registration and insurance in violation of Regulations of Connecticut State Agencies Section 13b-96-22;
4. Failure to provide proof of mandatory of insurance, in violation of Connecticut General Statutes Section 14-29.

The citation was served upon the respondent by first class and certified mail and recited the department's reasons for issuing same.

B. Hearing – May 22, June 5, 2008 and August 28, 2008

Pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on May 22, June 5 and August 28, 2008. Notice of the citation and of the hearing to be held thereon was given to the respondent as required by General Statutes Section 4-182, 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

Nadara Ann Wortham, whose address is 813 Maple Avenue, Hartford, Connecticut, appeared on behalf of the respondent. Wortham presented an executed Power of Attorney, naming her as attorney in fact for the respondent. The respondent was not represented by counsel.

Wayne Sinclair and Eugene Morris of the Regulatory and Compliance Unit of the Department of Transportation presented the evidence and testified as witnesses, respectively.

Tulat Mahmood, owner of the respondent company, appeared at the third day of hearing on August 28, 2008 and was represented by Mary Alice Moore Leonhardt of the law firm of Moore Leonhardt & Associates, LLC, whose mailing address is 67 Russ Street, Hartford, Connecticut. The respondent's address is 738 Maple Avenue, Hartford, Connecticut.

### D. Findings of Fact – May 22, 2008 Hearing

1. The respondent is holder of taxicab Certificate Number 1187 and is authorized to operate within and to and from Windsor Locks.
2. The owner of the company, Tulat Mahmood, was out of the country on the date of hearing due to a family emergency. Mahmood gave Ms. Wortham power of attorney the day before the hearing to conduct the business of the taxicab company.
3. Mahmood owns a pizza restaurant that Wortham manages. The pizza restaurant is where the calls for the taxicab company are received - there is no dedicated telephone line for the respondent.
4. On May 8, 2007, the Department of Motor Vehicles sent a Notice of Impending Plate Cancellation to the respondent advising that the respondent's insurance was going to be cancelled and if so, the respondent's registration would be cancelled effective June 27, 2007.
5. On July 16, 2007, the respondent's taxicab registration was cancelled for failure to have mandatory public service insurance.
6. The Department of Transportation, Regulatory and Compliance Unit was sent a copy of the cancellation notice.
7. On July 19, 2007, Eugene Morris, public transit inspector for the Regulatory and Compliance Unit of the department, began an investigation of the respondent company.
8. Morris tried to notify the respondent of the investigation by certified mail, but the certified letter was returned to the department marked as "Undeliverable".

9. On August 20, 2007, Morris attempted to verify the respondent's address and telephone by driving to the address of record and calling the respondent's telephone number of record, finding that the address was no longer used by the applicant and the telephone number was disconnected.

10. The respondent was cited and ordered to appear for hearing.

11. Wortham appeared on behalf of the respondent. Wortham had minimal knowledge of the company workings.

12. Wortham knew nothing of the driver of the company- she learned of the insurance cancellation when notified by Bradley International Airport personnel.

13. Whoever drove the car for the company was deemed the "manager" of the taxicab business and was responsible for all aspects of the business except the insurance.

14. The respondent has no dispatch system. The respondent works from Bradley International Airport in Windsor Locks, Connecticut and does not service the territory of Windsor Locks.

15. Wortham did not know if the company was listed in the telephone book; the only telephone number for the company was whichever cell phone number the driver happened to have.

16. Wortham was afforded leave to provide trip records and proof of insurance to the department and a second day of hearing was scheduled.

E. Findings of Fact – June 5, 2008 Hearing

17. Neither Mahmood nor Wortham had an updated criminal conviction history on record with the department, nor was insurance information provided. Trip sheets were not provided at the second day of hearing.

18. The respondent's address was changed with the Departments of Motor Vehicles and Transportation.

19. The respondent purchased and registered a new vehicle in August and September 2007, respectively.

20. A cease and desist order was issued and Wortham was afforded leave to provide updated criminal conviction history records for the management of the company, trip sheets, the driver's criminal history records and proof of insurance.

F. August 28, 2008 Hearing – Findings of Fact

21. The criminal conviction history report for Mahmood shows no criminal convictions since the original submission on file as of 2006 when Mahmood purchased the company.

22. Wortham's criminal conviction history shows no record.

23. The respondent's driver has no criminal conviction and no negative history with respect to his driving record.

24. The respondent has established a dedicated telephone line for the business.

25. The respondent has changed the lettering on the taxicab in compliance with the specifications on file for the company.

26. The respondent's insurance has been reinstated and the vehicle is registered; however it has not been in use since the cease and desist order was issued.

27. Wortham will continue as the manager of the taxicab company and will dispatch to the driver via cell phone.

28. The respondent will service its territory rather than exclusively working at the queue line at Bradley International Airport.

29. The respondent's information has been updated to reflect the current and correct information as required by the Regulatory and Compliance Unit.

III. CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in taxicab service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-96, as amended.

Pursuant to Connecticut General Statutes Section 13b-97 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-96, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one hundred dollars per day for each violation.

The evidence in this matter shows that the respondent is holder of Certificate Number 1187 and is authorized to operate a motor vehicle in taxicab service within and to and from Windsor Locks. The evidence further shows that the respondent has been remiss in keeping track of his company and ensuring that the company responds to the transportation needs of the general public.

The respondent came into full compliance on September 10, 2008, at which time the cease and desist order was lifted, via email to respondent's counsel. Representations were made by the respondent that it will remain in compliance and further, while the respondent was advised that it will be placed on probation, a civil penalty will be assessed because the violations are of a serious nature and have taken so long to remedy. The administrative civil penalty is remedial in nature, as such, will remind the owner of the respondent company that he should maintain supervision of the company, and its operation, to ensure compliance with the requirements of the statutes and regulations governing operations of a taxicab company within the State of Connecticut.

#### IV. CONCLUSIONS OF LAW

The evidence in this matter supports the conclusion that on May 8, 2007, the respondent violated its certificate and Regulations of Connecticut State Agencies (hereinafter "R.C.S.A.") Section 13b-96-12 by failing to maintain a business address on file with the commissioner; R.C.S.A. Section 13b-96-19 by failing to maintain a communications and dispatch service; R.C.S.A. Section 13b-96-22 by failing to maintain registration and insurance and for violation of Connecticut General Statutes Section 14-29 by failing to provide proof of mandatory insurance.

#### V. ORDER

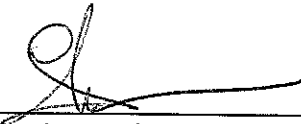
1. It is hereby confirmed that the Cease and Desist Order, imposed upon Airports Carrier Cab, LLC, holder of Permit No. 1187, was lifted as of September 10, 2008.
2. Airports Carrier Cab, LLC is hereby ordered to pay to the Department of Transportation a civil penalty in the total amount of \$1000 for the following individual assessments: \$250 for each of the four violations committed by the respondent. The respondent is ordered to remit, to the Department of Transportation, a certified check, bank check or money order made payable to "Treasurer, State of Connecticut" in said total amount of \$1000.
3. The civil penalty shall be paid within 45 days of the date of this final decision.
4. The respondent is hereby placed on probation for a period of one year. Probation means that the respondent shall not acquire any additional vehicles during the probationary period. Further, the respondent shall, on a quarterly basis, provide copies of its trip sheets, for the prior three-month period, to the Regulatory and Compliance Unit for review to ensure compliance. The Regulatory and Compliance personnel shall document the respondent's compliance, in writing for the Certificate file.

This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182.

Failure to comply with the foregoing orders shall result in further citation proceedings, which may lead to suspension or revocation of Certificate No. 1187.

Dated at Newington, Connecticut on this the 16<sup>th</sup> day of September 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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