

File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0709-C-138-L
(Complaint No. LV09-1207-101)

RE: IN THE MATTER OF THE CITATION OF LAST TOP
CAR SERVICE, LLC.

Final Decision

May 7, 2008

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2835 and is authorized to operate motor vehicles in interstate livery service, as authorized by the Federal Highway Safety Administration in certificate MC-391245, from a headquarters in Norwalk.

2. On August 22, 2007, the department received a Notice of Cancellation of the respondent's marker plates (bearing number Z6974Z) for failure to file proof of public service insurance with the Department of Motor Vehicles (hereinafter "DMV").

3. As a result of the notification of the plate cancellation, on September 17, 2007 the department sent an investigation letter to the respondent.

4. The investigation letter was returned to the department, undelivered.

5. As of the date of hearing, the DMV records show that the status of the respondent's marker plates/registration remains cancelled.

6. The respondent failed to appear at the hearing.

III. 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.

I. INTRODUCTION

A. Background

By citation dated April 1, 2008, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-102, 13b-103, as amended, Last Top Car Service, LLC (hereinafter "respondent"), holder of Livery Permit Number 2835 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 2835, for the registration of interstate authority, should not be suspended or revoked or a civil penalty imposed for violation of its livery permit issued pursuant to Connecticut General Statutes Section 13b-102, et seq. for failure to provide proof of mandatory public safety insurance to the Department of Motor Vehicles as required by 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 1, 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

Last Top Car Service, LLC, whose mailing address of record is 4 Talmadge Place, Norwalk, Connecticut, failed to appear at this hearing.

Eugene Morris, Public Transit Inspector with the Regulatory and Compliance Unit of the Department of Transportation presented the department's evidence.

The evidence in this matter shows that the respondent is holder of Permit Number 2835, as issued pursuant to Connecticut General Statutes Section 13b-103, and is authorized to operate vehicles in interstate livery service from a headquarters in Norwalk, Connecticut. The evidence further shows that the respondent failed to provide proof of mandatory public service insurance to the DMV, as required by Connecticut General Statutes Section 14-29(a). The evidence supports the conclusion that the respondent is in violation of its permit, and appears to have ceased operation of its business. Accordingly, the department has no choice but to revoke Permit Number 2835.

IV. ORDER

Based on the above, Livery Permit Number 2835, standing in the name of Last Top Car Service, LLC, is hereby revoked.

Revocation of Livery Permit Number 2835 shall become effective fifteen (15) days from the date of this final decision.

Dated at Newington, Connecticut on this the 7th day of May, 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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