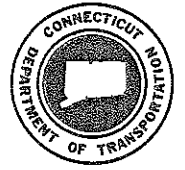


File
STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0801-C-21-T
(Case No. TX12-1207-55)

RE: IN THE MATTER OF THE CITATION OF
TRANSPORTATION GENERAL, INC. DBA METRO
TAXI.

Final Decision

May 22, 2008

I. INTRODUCTION

A. General

By citation dated April 17, 2008, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-96, 13b-97 and 4-182(c), as amended, Transportation General, Inc. dba Metro Taxi (hereinafter "respondent"), located at 65 Industry Drive, West Haven, Connecticut, Connecticut, holder of Taxicab Certificate Number 86, was ordered to come before the department to answer allegations made therein. The respondent is authorized to operate taxicab service in Connecticut.

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 86 should not be suspended, revoked or a civil penalty imposed for violation of the statutes and regulations governing taxicab service in Connecticut.

More specifically, it is alleged than on October 19, 2007, a taxicab owned and operated by Transportation General, Inc. dba Metro Taxi was dispatched provide a female passenger a ride from North Haven to Naugatuck. During that ride, the company driver of record, Jason Hylton, allowed a non-company sub-lessee, Gerald Terry, to operate the taxicab after Terry dropped off Jason Hylton at Hylton's home. Prior to dropping off the passenger at her home, Gerald Terry sexually assaulted the passenger.

In that the certificate holder is responsible for the activities of those working under the auspices of its certificate, it is alleged that the respondent is in violation of the following regulations and statutes:

- Regulations of Connecticut State Agencies Section 13b-96-4 for failing to be fully knowledgeable of the regulations governing the operations of taxicabs;
- Regulations of Connecticut State Agencies Section 13b-96-7 for allowing a driver to operate a taxicab after having been convicted of a serious criminal offense;
- Regulations of Connecticut State Agencies Section 13b-96-27(1) for letting a driver knowingly permitting the operation of unlawful activities in a taxicab;
- Regulations of Connecticut State Agencies Section 13b-96-27(3) for allowing a driver to permit a non-fare paying passenger to occupy a taxicab while engaged in business;

- Regulations of Connecticut State Agencies Section 13b-96-27(4) for allowing a driver to permit a person to operate a taxicab who was not licensed in accordance with Connecticut General Statutes Section 14-44 and does not have a driver identification card as required by Section 13b-96-32 of the Regulations of Connecticut State Agencies;
- Connecticut General Statutes Section 14-110 for making a false statement to the Department of Motor Vehicles regarding the disposition of a registration.

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

B. Hearing Held

Pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on May 14, 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

Transportation General, Inc. dba Metro Taxi appeared through its owner, William Scalzi, and was represented by Donn Swift, Esquire of the law firm of Lynch, Traub, Keefe and Errante, whose mailing address is 52 Trumbull Street, New Haven, Connecticut.

Supervising Special Investigator Robert Colucci and Public Transit Inspector Eugene Morris, of the Regulatory and Compliance Unit of the Department of Transportation, presented the evidence on behalf of the department.

II. FINDINGS OF FACT

1. The respondent is holder of taxicab Certificate Number 86 and is authorized to operate motor vehicles in taxicab service.
2. On October 19, 2007, a driver for the respondent company allowed a person to drive one of the respondent's taxicabs while that person was not authorized to do so.

3. While driving the respondent's taxicab, the unauthorized driver sexually assaulted the passenger, who was being driven home from school.

4. On October 21, 2007, the day that the respondent was notified of the incident by police, the respondent terminated the authorized driver for his allowing an unauthorized person to drive the respondent's vehicle.

5. The respondent has in place a detailed training program for its new drivers, which was attended by the respondent's authorized driver.

6. The respondent's authorized driver made a statement that he allowed the unauthorized person to drive his vehicle although he knew it was against the respondent's policy and in violation of the lease agreement between the driver and the respondent.

7. The authorized driver did not advise the respondent that he was sub-leasing the respondent's vehicle to any other driver or that he let another driver drive the respondent's vehicle.

8. The respondent has a GPS system in place by which it can tell where its taxicab vehicles are at any time, however, if an authorized driver allowed an unauthorized person to drive the taxicab, there is no video information as to who is actually driving or occupying the respondent's vehicles so the respondent would have no actual knowledge of the occurrence.

9. The taxicab used to perpetrate the crime was seized as evidence by the Naugatuck police and is currently impounded with no estimated time of release.

10. The registration for the plates on the seized taxicab was cancelled by the respondent on November 28, 2007 so that the respondent could register another vehicle.

11. The respondent did not notify the department about the criminal actions committed in one of its taxicabs prior to its meeting scheduled in January 2008 with department personnel regarding the criminal incident.

12. The respondent did not notify the department of the fact that the vehicle was out of commission because it was impounded by police as evidence of the crime committed.

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 86 and that one of the respondent's drivers allowed an unauthorized person to drive the respondent's taxicab. Moreover, the unauthorized person perpetrated a crime on a passenger while in possession of the respondent's vehicle. The evidence supports the following conclusions of law:

- The respondent is not in violation of Regulations of Connecticut State Agencies Section 13b-96-4 because the respondent has set in it procedures the requirement that the potential drivers for the company are trained in the requirements of the statutes and regulations that govern the taxicab industry relative to their responsibilities.

- The respondent is not in violation of Regulations of Connecticut State Agencies Section 13b-96-7. The respondent did not allow the unauthorized driver to drive its vehicle. The respondent had no knowledge of, nor did it authorize, a person with a criminal history operate its taxicab.

- The respondent is not in violation of Regulations of Connecticut State Agencies Section 13b-96-27(1). No evidence was presented to show that the driver of the respondent's taxicab had knowledge that unlawful activities would take place in the taxicab. The respondent would have no independent knowledge of such facts unless it was told and the evidence does not support that finding or conclusion.

- The respondent is not in violation of Regulations of Connecticut State Agencies Section 13b-96-27(3) for allowing a driver to permit a non-fare paying passenger to occupy a taxicab while engaged in business. The respondent had no independent knowledge of the driver allowing a non-fare paying passenger to occupy a taxicab while engaged in business. The driver did not advise the respondent that he had a non-paying passenger in its taxicab.

- The respondent is not in violation of Regulations of Connecticut State Agencies Section 13b-96-27(4) for allowing a driver to permit a person to operate a taxicab who was not licensed in accordance with Connecticut General Statutes Section 14-44 and who did not have a driver identification card as required by Regulations of Connecticut State Agencies Section 13b-96-32. The respondent had no knowledge that an unauthorized person was driving its taxicab.

The respondent is not in violation of its taxicab certificate, which requires the certificate holder to comply with all statutes and regulations governing taxicab service, although it is alleged that the respondent violated Connecticut General Statutes Section 14-110 for making a false statement to the Department of Motor Vehicles regarding the disposition of a registration.

The respondent completed the paperwork in accordance with its belief that the marker plates were unavailable to the respondent and since they were not stolen, the respondent indicated they were "lost" to the respondent, however, the respondent did request cancellation of the registration. While the respondent should have advised the both the Departments of Motor Vehicles and Transportation, of the unavailability of the marker plates due to the fact that they were evidence in a criminal matter, it is clear that the respondent was not attempting to defraud the State of Connecticut. The respondent's owner, William Scalzi, testified that because the taxicab was off the road, and because the public convenience and necessity required a taxicab in service to replace the impounded vehicle, Scalzi made the decision to replace the impounded vehicle, since Scalzi had no knowledge of how long the vehicle would be out of commission.


Although the facts exonerate the respondent from the listed allegations, the respondent is put on notice that issues such as the one that is the subject of this hearing should be brought to the attention of the Regulatory and Compliance Unit for attention. Whether the Regulatory and Compliance Unit staff take action or not, it is their area of oversight and they must be cognizant of issues of such a serious nature. Scalzi testified that he would, in the future, report such issues to the department's regulatory unit.

IV. ORDER

Therefore, based on the above, the citation against Transportation General, Inc. dba Metro Taxi, given docket number 0801-C-21-T, is hereby dismissed.

Dated at Newington, Connecticut on this the 22nd day of May 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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