

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1102-C-09-T

RE: IN THE MATTER OF THE CITATION OF TODD COOGAN D.B.A.
HARDWARE CITY CAB, LLC.

Final Decision

June 9, 2011

I. INTRODUCTION

A. General

By citation dated April 19, 2011, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, Todd Coogan d.b.a. Hardware City Taxi (hereinafter "respondent"), holder of Certificate Number 1185, 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 Certificate Number 1185, issued for the operation of taxicab service, should not be suspended or revoked or a civil penalty imposed for violation of its certificate pursuant to Connecticut General Statutes Section 13b-96, et seq.

More specifically, the following are the alleged violations of the Regulations of Connecticut State Agencies by the respondent:

1. 13b-96-12-failed to maintain active mail and business address
2. 13b-96-18-hours of operation
3. 13b-96-19-no dispatch service
4. 13b-96-21-discontinued service for past four months
5. 13b-96-22-no registered vehicle for four months
6. 13b-96-30-records are unavailable
7. 13b-96-35(a)-sold or transferred certificate holders interest to another

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

During the hearing, the department withdrew several of the charges leaving only violation of Connecticut General Statutes Sections 13b-96-22, 13b-96-30 and 13b-96-35 remaining.

B. Hearing Held

Pursuant to Section 13b-96 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on June 1, 2011.

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-96, 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

Todd Coogan appeared on behalf of the respondent and was represented by Matthew Forrest, Esq. Attorney Forrest has a mailing address of 25 Spring Street, Wethersfield, Connecticut 06109.

Eugene Morris, Transportation Public Transit Inspector with the Regulatory and Compliance Unit, presented evidence on behalf of the department.

II. FINDINGS OF FACT

1. The respondent is the holder of Certificate 1185 in the name of Todd Coogan d.b.a. Hardware City Cab and is authorized to operate one (1) motor vehicle in taxicab service in New Britain.
2. The respondent filed a certificate holder information sheet on July 29, 2010, which contained a change of its address and phone number. This sheet was never filed in the respondent's permanent file but remained in the inbox at the applications desk until the day of the hearing, June 1, 2011.
3. The respondent filed a sale and transfer application on November 2, 2010 with the department. The buyer of the respondent's company was Suburban Transportation.
4. On February 23, 2011, Gene Morris was sent to do a headquarters check at the respondents address of record on its carrier report in New Britain. The office was vacant, for rent and the telephone number was not in service.
5. After the respondent's vehicle got into an accident on October 9, 2010, someone from Suburban Transportation registered a new vehicle for the respondent on November 2, 2010 under the name of Suburban Transportation d.b.a. Hardware City Taxi. The respondent was in Florida for three months around this time.
6. On February 16, 2011, the respondent went to the Department of Motor Vehicles and changed the registration to the name of Hardware City Taxi upon being denied its application for a sale and transfer due to the use of an improper name.
7. The respondent has historically used an incorrect legal name and not the correct Legal Name of Todd Coogan d.b.a. Hardware City Taxi.

III. DEPARTMENT ANALYSIS AND 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 in 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.

During the hearing, the department withdrew several of the allegations against the respondent leaving only three alleged violations: 13b-96-22, 13b-96-35 and 13b-96-30. The evidence shows that on November 2, 2011, the respondent's management company, Suburban Transportation, Inc., incorrectly registered its vehicle to a company that did not legally exist, Suburban Transportation, Inc. d.b.a. Hardware City Taxi which violated section 13b-96-22 and 13b-96-35 of the department's regulations. The respondent was in Florida during the time the vehicle was registered. During the time it has been in business, the respondent appears to have hardly ever filled out a registration for the correct legal name of Todd Coogan d.b.a. Hardware City Taxi.

Even though the respondent expected Suburban Transportation to handle the day to day operation of its business, it is still the respondent's obligation to follow what is happening with its company. At the time this incident occurred, the respondent was in the process of selling its one certificate to Suburban Transportation. The sale had not been completed, however, so the respondent could not legally use another name. It appears that the respondent had already relinquished its certificate to Suburban and was no longer overseeing any of the operation. Therefore, the respondent will be assessed a civil penalty of \$250 for failure to correctly register its vehicle and \$750.00 for transferring its company to Suburban Transportation without permission of the department.

The respondent claims that it has never been asked by the department to produce records for its company. The respondent was given one week to produce the last six months of trip sheets for the one vehicle it operates. If said records were produced, the allegation that there was a violation of section 13b-96-30 of the Regulations of Connecticut State Agencies was to be removed. In response to this offer, the respondent produced said records. The allegation that the respondent violated Section 13b-96-30, failure to produce these records, will be withdrawn by the department.

IV. ORDER

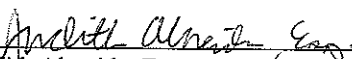
Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of \$1,000 by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty (30) days from the date of this final decision.

The respondent must register its motor vehicle within (7) days from the date of this decision to its correct legal business Name Todd Coogan D.B.A. Hardware City Taxi.

Failure of the respondent to comply with this order shall result in revocation without further proceeding. is final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 9th day of June 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration