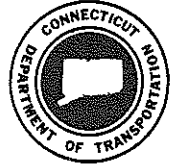


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1106-C-62-T

RE: IN THE MATTER OF THE CITATION OF FOLTZ, PATRICK E.  
DBA PORT CITY TAXI

Final Decision

October 5, 2011

I. INTRODUCTION

A. General

By citation dated August 23, 2011, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, Foltz, Patrick E. DBA Port City Taxi (hereinafter "respondent"), holder of Certificate Number 1151, 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 1151, 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, it is alleged that the respondent violated the following Regulations of Connecticut State Agencies:

- |                 |                          |
|-----------------|--------------------------|
| 1. 13b-96-4     | Knowledge of Regulations |
| 2. 13b-96-32(b) | No ID Card               |
| 3. 13b-96-32(c) | No Comment Card          |
| 4. 13b-96-38(a) | Meter Not Sealed         |
| 5. 13b-96-41(c) | Operating an unsafe cab  |

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

B. Hearing Held

Pursuant to Section 13b-96 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on September 22, 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

Patrick Foltz appeared pro se at the hearing. The respondent's new mailing address is 828 Colonel Ledyard Highway, Ledyard, Connecticut 06339.

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 1151 in the name of Foltz, Patrick E. DBA Port City Taxi and is authorized to operate motor vehicles in taxicab service in Montville, Groton, New London and Waterford.

2. On June 6, 2011, the respondent was operating a motor vehicle at the New London Railroad Station when it was stopped by a department investigator and the Department of Motor Vehicles.

3. The respondent and the State entered into a stipulated agreement by which the respondent agreed to pay \$500 in exchange for the state dropping the citation action.

4. The respondent must pay the civil penalty of \$500 within fourteen (14) days of the date of this final decision.

5. The respondent will have its two Chevy Impalas inspected by an authorized garage and send to the department copies of the passing inspection reports within thirty (30) days from the date of this decision.

6. The respondent must submit to the department within thirty (30) days from the date of this final decision the most recent inspections of its Prius taxicabs.

7. The respondent must update, with the department, the VIN numbers of the taxicabs it is operating.

8. The department will not hold this stipulation against the respondent with regard to filing future applications.

### 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 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 respondent and the department entered into a stipulated agreement concerning the citation hearing. The details of the agreement are that:

1. The respondent and the State entered into a stipulated agreement on September 22, 2011, by which the respondent agreed to pay \$500, within fourteen (14) days from the date of this decision, in exchange for the state dropping the violations.

2. The respondent will have all of its Chevy Impalas inspected by an authorized garage and send to the department copies of the passing inspection reports within thirty (30) days from the date of this decision.

3. The respondent must submit to the department within thirty (30) days from the date of this final decision the most recent inspections of its Toyota Prius taxicabs.

4. The respondent must update the VIN numbers of the taxicabs it is operating with the department.

5. The department will not hold this stipulation against the respondent with regard to filing future applications.

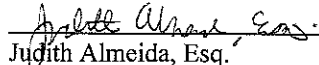
### IV. ORDER

Based on the above, the respondent is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of FIVE HUNDRED (\$500), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within fourteen (14) 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 5<sup>th</sup> day of October 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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