

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-63-T

RE: IN THE MATTER OF THE CITATION OF NORWICH TAXI

Final Decision

October 17, 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-103, as amended, Norwich Taxi (hereinafter "respondent"), holder of Certificate Number 644, 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 644, 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-96-37 No Posted Rates
3. 13b-96-41(b)(5) AC Not Working
4. 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 27, 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

Sam Hall appeared pro se at the hearing. The respondent's mailing address is 192 Route 2, Franklin, Connecticut 06254.

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 644 in the name of Norwich Taxi and is authorized to operate motor vehicles in taxicab service in several towns in South Eastern, Connecticut.

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 \$1,000 within fourteen (14) days of the date of this final decision.

5. The respondent will have its taxicabs inspected by a Department of Motor Vehicles authorized garage within thirty days (30) of the date of this final decision. Within thirty five (35) days of the date of this decision, the respondent shall send to the department copies of the passing inspection reports.

6. The department agrees that the alleged violations which are the subject of this stipulated agreement will not bar the respondent from making application for additional vehicles or expanded territory, nor shall the alleged violations be entered as evidence or used to establish that the respondent lacks the required fitness or suitability in any subsequent proceeding on an application by the respondent.

7. Failure of the respondent to comply with part 4 and part 5 above will result in reinstating the citation proceedings against the respondent. The respondent further acknowledges that the stipulated judgment may be used in that proceeding.

III. DEPARTMENT ANALYSIS

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 27, 2011, by which the respondent agreed to pay \$1,000, within fourteen (14) days from the date of this decision, in exchange for the state dropping the violations.

2. The respondent will have its taxicabs inspected by a Department of Motor Vehicles authorized garage within thirty days (30) of the date of this final decision. Within thirty five (35) days of the date of this decision, the respondent shall send to the department copies of the passing inspection reports.

3. The department agrees that the alleged violations which are the subject of this stipulated agreement will not bar the respondent from making application for additional vehicles or expanded territory, nor shall the alleged violations be entered as evidence or used to establish that the respondent lacks the required fitness or suitability in any subsequent proceeding on an application by the respondent.

4. Failure of the respondent to comply with part 4 and part 5 above will result in reinstating the citation proceedings against the respondent. The respondent further acknowledges that the stipulated judgment may be used in that proceeding.

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 ONE THOUSAND (\$1,000), 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.

The respondent will have its taxicabs inspected by a Department of Motor Vehicles authorized garage within thirty days (30) of the date of this final decision. Within thirty five (35) days of the date of this decision, the respondent

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 17th day of October 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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