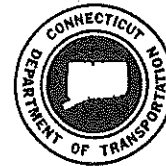




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:
(860) 594-2875

DOCKET NUMBER 1303-C-209-T

RE: IN THE MATTER OF THE CITATION OF CASINO CAB CO.,
INC. D.B.A. YELLOW CAB CO.

Final Decision

October 7, 2013

3. Several of the respondent's vehicles were cited for violations of the Regulations of Connecticut State Agencies. Respondent's vehicle T3041T had an emergency brake issue. The vehicle with plate T2776T had a loose fire extinguisher, broken kick plate and a driver ID and holder issue. The vehicle with plate T3048T had no driver ID or holder, a broken window, emergency brake issue and the right front headlight was out. The taxi with plate T3037T has an ABS light on and front body damage.

4. Mr. Longo testified that he had all of the repairs done within days and submitted proof of the inspection performed by the Department of Motor Vehicles on June 5, 2013.

5. Mr. Longo testified that on the same day his vehicles were stopped, vehicles from Metro Taxi were also stopped and similar violations were found. After an email protesting the citation hearing was sent to Regulatory & Compliance by the owner of Metro Taxi, the citation hearing against Metro Taxi was withdrawn. Mr. Longo asked for the same accommodation.

6. Mr. Longo also testified that in the past that he was always afforded the opportunity to correct violations before having to appear at the department for a citation hearing.

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 argued that in the past it was allowed the opportunity to correct its violations before it received a citation notice. There is no legal requirement that the respondent be able to correct violations before the department has the authority to bring the respondent to a citation hearing. Section 4-182 (c) of the Connecticut General Statutes provides:

(c) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

The department is only required to provide an opportunity to correct violations in the case of suspending or revoking a license, not when issuing a civil penalty against an operator.

The respondent also argued that it should not be cited when another operator with similar violations on the same day was allowed to get out of the citation hearing. While the hearing officer is not required to dismiss these charges because another operator was allowed off the hook, in all fairness it would not be right to penalize the respondent when other operators have been treated differently.

Also working on the respondents behalf is the fact that the respondent promptly corrected the violations within four days of the inspections. To show proof of the inspection, the respondent submitted the passed inspection sheet it received from the Department of Motor Vehicles. Given all of these facts, the charges against the respondent will be dismissed.

I. INTRODUCTION

A. General

By citation dated May 20, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, Casino Cab Co. Inc. d.b.a. Yellow Cab Co. (hereinafter "respondent"), holder of Certificate Number 225, 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 225, 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-96-32 Driver ID
2. 13b-96-41 (c) Operating taxi while unsafe
3. 13b-96-42 (7) Fire extinguisher not secure
4. 13b-96-43 (a) (2) Body Damage
5. 13b-96-43)c) (4) Window not working
6. 13b-96-49 Vehicles not inspected as required

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 19, 2013.

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

Raymond Longo appeared pro se on behalf of the respondent. The respondent's mailing address is 65 Stillman Street, Bridgeport CT 06608.

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

II. FINDINGS OF FACT

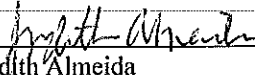
1. The respondent is the holder of Certificate 225 and is authorized to operate in taxicab service.
2. On June 1, 2012, the Department of Transportation along with the Department of Motor Vehicles conducted an inspection of taxicabs at the Bridgeport Rail Station.

IV. ORDER

Based on the above, the charges against the respondent are dismissed.

Dated at Newington, Connecticut on this the 7th day of October 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION


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