

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1305-C-246-L

RE: IN THE MATTER OF THE CITATION
OF PRIME LIMO, LLC.

Final Decision

October 8, 2013

I. INTRODUCTION

A. Background

On May 23, 2013, pursuant to Connecticut General Statutes Section 13b-103, as amended, the Department of Transportation (hereinafter "department") issued a citation notice to Prime Limo, LLC (hereinafter "respondent"), holder of Livery Permit Number 2921. The citation notice ordered the respondent to appear before the department to answer allegations made therein.

The respondent was ordered to appear at the Newington office of the department to show cause why Certificate Number 2921 should not be suspended, revoked or a civil penalty imposed for violation of its livery permit issued in accordance with Connecticut General Statutes Section 13b-103.

More specifically, the respondent is alleged to have violated the conditions of its permit by failing to operate a headquarters as required by Regulations of Connecticut State Agencies Section 16-325-(1), (2), and (3).

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

B. Hearing

Pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on September 17, 2013.

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.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

The respondent appeared through Shafqat A. Khan, its owner and was represented by Alan Berman, Esq. whose address is 111 Roberts Street, Suite G1, East Hartford, Connecticut.

Eugene Morris, Public Transit Inspector with 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 Livery Permit Number 2921 and is authorized to operate livery service to all points in Connecticut from a headquarters in Vernon, Connecticut.
2. On February 5, 2013 Public Transit Inspector Richard Majka went to the headquarters address of record during the listed office hours (10 A.M. – 2 P.M.) to conduct a headquarters check.
3. Majka rang the doorbell and knocked at the door and received no answer.
4. Majka called the telephone number listed on the business records of the department.
5. The number listed was a cell number, which was answered by Shaqat Khan, the owner. Khan was not at the headquarters address when he received the call from Majka.
6. Khan told Majka that he should call him to make an appointment for a headquarters check, yelling at Majka on the telephone. Majka disconnected the conversation.
7. No one from the address of record ever answered the door.

III. DISCUSSION

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in livery service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-102, as amended.

Pursuant to Connecticut General Statutes Section 13b-103 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-102 through 13b-109, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one thousand dollars per day for each violation.

The evidence in this matter shows that the respondent is holder of Permit Number 2921 and is authorized to operate livery service within the State of Connecticut

from a headquarters in Vernon. The evidence further shows that the respondent had applied to sell its livery service. For the sale of a livery service, the applicant for sale must be in compliance with the regulations and statutes governing the business. The applicant for sale must demonstrate that it has been performing services with reasonable frequency and continuity. Included in that

Richard Majka visited the respondent's headquarters of record to ensure that the headquarters exists. Majka found no one at the purported headquarters. No one answered a knock at the door or the doorbell. Majka called the telephone number listed as the headquarters telephone number on the department business records. Khan answered the cell phone and in the ensuing conversation, he yelled at Majka and said to Majka that he (Majka) did not know how to do his job and that he should have called to make an appointment for a headquarters check.

Khan is mistaken. Headquarters checks are not announced specifically to ensure that the permit holder is in compliance. If appointments were made for headquarters checks, then the permit holder can ensure that he is in compliance by having someone there on the designated day and hour; this does not truly reflect the condition of headquarters on a day to day basis.

Khan testified at the hearing that his wife, who maintains the headquarters, may have been shopping. He then contradicted himself and said that she was home on the day in question. He also testified that Majka was treating him like "he murdered someone." This testimony is neither credible nor believable. Moreover, Majka has no reason to fabricate the facts as they occurred, while the permit holder has every reason to fabricate or embellish such facts.

Section 16-325-1 of the Regulations of Connecticut State Agencies requires that the permit holder or his employee is in attendance to dispatch motor vehicles used in livery service and further, that the telephone service is maintained in the name of the permit holder. Neither of these requirements were met. Accordingly, the respondent is in violation of its permit.

IV. CONCLUSIONS OF LAW

Prime Limo, LLC is in violation of its permit for failing to maintain a headquarters as required by Regulations of Connecticut State Agencies Section 16-325-1. Connecticut General Statutes Section 13b-103(c) provides that violation of any provision of Chapter 244b of the Connecticut General Statutes or regulations adopted thereunder with respect to fares, service, operation or equipment may be assessed a civil penalty in the amount of One Thousand Dollars (\$1,000) per day.

The respondent will be assessed said \$1,000 for the day in question since, on that day, no headquarters could be confirmed.

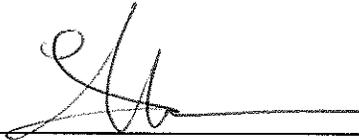
V. ORDER

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

Further, the Regulatory and Compliance Unit is hereby ordered to complete another headquarters check within three (3) months from the date of this final decision, on an undisclosed date, to ensure compliance.

Dated at Newington, Connecticut on this the 8th of October, 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
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Bureau of Finance and Administration