



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1307-C-267-L

RE: IN THE MATTER OF THE CITATION OF PEOPLES
TRANSIT, LLC.

Final Decision

September 23, 2013

I. INTRODUCTION

A. Background

By citation dated August 13, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Peoples Transit, LLC (hereinafter "respondent"), holder of Livery Permit Number 3261 was ordered to come before the department to answer 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 Permit Number 3261 for the operation of intrastate livery should not be suspended or revoked or a civil penalty imposed for violation of its permit, issued in accordance with Connecticut General Statutes Section 13b-103.

More specifically, the respondent was cited for violation of the following sections of the Regulations of Connecticut State Agencies:

- 16-325- 1 - failing to maintain an active headquarters
- 16-325-3 - failing to notify the department within 48 hours of its change of address
- 16-325-4 - changing the location of its headquarters without permission of the department.

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 5, 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.

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 Elnur Sadygov, its president, and was represented by Polina Shapiro, Esq. whose mailing address is 650 Farmington Avenue, Hartford, Connecticut.

Eugene Morris, Public Transit Inspector with the Regulatory and Compliance Unit of the Department of Transportation presented the department's evidence.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 3261 and is authorized to operate motor vehicles in general livery service to all points in Connecticut from a headquarters at 102 Tepi Drive, Southbury, Connecticut.
2. The respondent filed for additional vehicles without hearing for which a headquarters check is required.
3. On June 17, 2013, Public Transit Inspector Rich Majka went to the respondent's headquarters to conduct a headquarters check. Majka found no one at the address, which is residential and belongs to the respondent's prior owner.
4. Majka called the telephone number listed in the department records, which was a Berlin, Connecticut exchange. Elnur Sadygov, president of the company indicated to Majka that he would meet him in two to three hours.
5. The headquarters of record the residential address of the respondent's prior owner.
6. The respondent operates from Berlin.
7. The respondent's vehicles are registered in Berlin.
8. The respondent does not hold authority to operate from a headquarters in Berlin.
9. The respondent entered into a lease agreement for a headquarters in Southbury on July 16, 2013.
10. The respondent has no record of prior violations.

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 3261 and is authorized to operate vehicles in livery service from a headquarters in Southbury. The evidence shows that the respondent has a Berlin exchange telephone number, registers its vehicles in Berlin and the president testified it operated from its "headquarters" in Berlin.

The respondent argued that its owners had no knowledge that a headquarters was to have personnel in attendance to answer questions and book trips during its office hours, or that it could not operate from anywhere it wanted. The respondent also argued that it should not be sanctioned because the owners did enter into a new lease agreement for a new headquarters.

These arguments are unpersuasive. The facts remain that the owners of the respondent company appear to have no knowledge of the regulations governing livery service, nor are they adhering to the requirements of the respondent's livery permit. The respondent's arguments do not negate the violation. There is substantial evidence on the record to support a conclusion that the respondent violated the headquarters requirement for livery service by failing to maintain its headquarters of record, moving without permission and failing to notify the department of its move.

IV. CONCLUSIONS OF LAW

The respondent violated its livery permit issued pursuant to Connecticut General Statutes Section 13b-103 by failing to maintain a headquarters in violation of Regulations of Connecticut State Agencies Section 16-325-1; by changing the location of its headquarters without permission of the department in violation of Section 16-325-3; and by failing to notify the department within 48 hours of its change of address in violation of Section 16-325-4.

Although the respondent argues that it was not afforded the opportunity to show compliance in accordance with Connecticut General Statutes Section 4-182(c), in this instance, the respondent's permit will not be revoked or suspended; rather a civil

penalty will be assessed. Imposition of a civil penalty is authorized after notice of 15 days and an opportunity to be heard, in accordance with General Statutes Section 13b-103(c). Such notice was afforded in this case.

Section 13b-103(c) also provides that a civil penalty may be assessed in the amount of \$1,000 per day for each violation of the statutes governing livery service. Since, however, the respondent initiated the search for a headquarters shortly after the headquarters check and entered into a lease agreement and has no prior violations, the maximum civil penalty will not be assessed.

V. ORDER

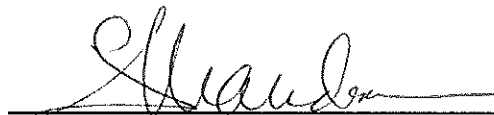
The respondent is hereby ordered to pay to the Department of Transportation a civil penalty in the amount of FIVE HUNDRED DOLLARS (\$500), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within thirty days from the date of the final decision.

The respondent is also hereby ordered to become familiar with the statutes and regulations governing livery service.

Failure to pay the civil penalty shall subject the respondent to further citation actions resulting in revocation, suspension or a further civil penalty. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 23rd day of September 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration