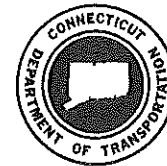




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1410-C-169-L & 1410-C-170-L

RE: IN THE MATTER OF THE CITATION OF ALPINE WORLDWIDE
CHAUFFEURED SERVICES, LLC.

FINAL DECISION

DECEMBER 22, 2014

I. INTRODUCTION

A. General

By citation dated November 10, 2014, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Alpine Worldwide Chauffeured Services, LLC. (hereinafter "respondent"), holder of Livery Permit Number 3276 and Bus Certificate 538, 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 Permit Number 3276 and Bus Certificate Number 538, issued for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its permit/certificate pursuant to Connecticut General Statutes Section 13b-103, et seq.

More specifically, it is alleged that the respondent violated Connecticut General Statute Section 14-29 for failure to insure and register any vehicles under its livery permit and for a violation of the livery regulations, Docket 8500 section 7, for failing to notify the department of the disruption of livery service.

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-103 of the Connecticut General Statutes, as amended, the public hearing for these citation actions was held on December 4, 2014.

Notice of the citations 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-103, as amended.

The hearing on these matters was conducted by a hearing officer designated by the Commissioner of Transportation, pursuant to Section 13b-17 of the Connecticut General Statutes.

C. Appearances

Edilson Forero, owner, appeared pro se at the citation hearing. The respondent's mailing address is 58 Pine Street, New Canaan, Connecticut 06840.

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

D. Hearings Consolidated

During the first hearing in Docket Number 1410-C-169-L, it became apparent that the respondent's testimony applied to both citation hearings so the two hearings were consolidated into one hearing for efficiency and as a result only one final decision will be issued to address both of the citation actions.

II. FINDINGS OF FACT

1. The respondent has authority to operate two (2) charter buses and thirty (30) interstate livery vehicles.
2. As of September 19, 2014, the Department of Motor Vehicles cancelled the respondent's vehicle registrations for failure to maintain insurance.

3. The respondent failed to maintain insurance with Philadelphia Indemnity starting on August 16, 2014.
4. As of October 25, 2014, the FMCSA revoked the respondent's interstate authority.
5. The respondent claims that a mix-up in his insurance caused him to lose his insurance and he had difficulty getting it back.
6. Edilson Forero testified that he was not operating his company during the time he lost his insurance and he was allowed until December 11, 2014, to submit documents proving his position but he failed to submit any proof to support his claims.
7. The respondent finally got insurance in October 2014.
8. The respondent currently has nine (9) vehicles registered. It is unknown when the respondent finally registered any vehicles.
9. The respondent failed to timely notify the department when it ceased operating in livery service.

III. CONCLUSION

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-103, 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 respondent claims that when he was trying to insure buses when his insurance company ended up cancelling his insurance in error. He claims that while he did not have insurance, he did not work and sold off several vehicles and farmed out all of his work. While this claim may be truth, the respondent brought absolutely no proof to the hearing to substantiate his claim nor did he submit it later although he was allowed to submit the evidence until December 11, 2014, and chose not to do so.

Respondent's vehicles were uninsured from August 16, 2014 until sometime in October 2014. As of the date of the hearing the respondent had registered nine (9) vehicles. No evidence was presented to show when the respondent finally got insurance or re-registered any vehicles.

Failure to carry insurance is a most egregious violation that puts the public in imminent danger. On the issue of the insurance, the respondent went over six weeks without insurance so it will be assessed a civil penalty of \$15,000. The respondent was also cited for failing to notify the department when it ceased operating for which it will be assessed \$250 and a civil penalty of \$750 for failure to register vehicles for total civil penalty of \$16,000.

IV. ORDER


Based on the above, Livery Permit Number 3276 and Bus Certificate 538 issued in the name of Alpine Worldwide Chauffeured Services, LLC. is hereby ordered to pay to the Department of Transportation, a civil penalty in the amount of \$16,000 (SIXTEEN THOUSAND DOLLARS) by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within sixty (60) days from the date of this final decision.

Failure of the respondent to comply with this order shall result in immediate 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 22nd day of December 2014.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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