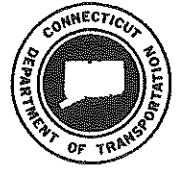


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1805-C-63-B

RE: IN THE MATTER OF THE CITATION OF CONCIERGE ENTERPRISES, LLC.

DECISION

NOVEMBER 30, 2018

I. INTRODUCTION

A. General

By citation dated October 12, 2018, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Sections 13b-80, 13b-86, 13b-88 and 4-182 as amended, Concierge Enterprises, LLC (hereinafter "respondent"), holder of Motor Bus Permit 550, 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 550, issued for the operation of a motor bus, should not be suspended or revoked or a civil penalty imposed for violation of its permit pursuant to Connecticut General Statutes Section 13b-80, et seq.

More specifically, on or about April 6, 2018, it came to the attention of the department that Concierge Enterprises, LLC may be in violation of the following regulations and statutes:

- DOT Regulations, Docket No. 8500:
 - o Rule No. 10 – Inspection by Commission
 - o Rule No. 13 – Memorandum of Certificates
 - o Rule No. 14 – Fleet Registration
 - o Rule No. 49 – Identification Sign
 - o Rule No. 50 – Seating Capacity Display
 - o Rule No. 51 – Emergency Door

- Regulatory and Compliance Policy:
 - o Mandatory Safety Equipment (Luggage barrier, triangles, fire extinguishers, first aid kits)

- Connecticut General Statutes:
 - o Sec 13b-83 – Registration of Motorbuses (Improper plates, No inspections)
 - o Sec 14-29 – Insurance Requirements (No Insurance)
 - o Sec 14-34A – Reciprocal agreements apportioning the registration of commercial vehicles (Reciprocity Sticker)

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-80 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on November 27, 2018. 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-80, 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

Concierge Enterprises, LLC (hereinafter the "respondent") failed to appear in this matter. The respondent's mailing address is 55 Lewis Street, Greenwich, CT 06830.

Felipe Briseno, Staff Attorney 3 with the Regulatory and Compliance Unit, presented evidence in this matter.

Luis Maldonado, License and Application Analyst with the Regulatory and Compliance Unit, appeared as a witness in this matter.

Carlos Redick, Public Transit Inspector with the Regulatory & Compliance Unit, appeared as a witness in this matter.

Sergeant Matthew Davis, with the Department of Motor Vehicles Office of Safety and Enforcement, appeared as a witness in this matter.

D. Dismissal of Policy Violation

The department is unable to hold the respondent accountable for policy violations that have not been adopted into either a department regulation or a Connecticut General Statute. Therefore, the policy violation for Mandatory Safety Equipment is hereby dismissed. All of the other violations in the hearing notice will be addressed.

II. FINDINGS OF FACT

1. The respondent is the holder of Motor Bus Permit 550 in the name of Concierge Enterprises, LLC with a headquarters in Greenwich. This permit was granted on April 8, 2016. (Department Exhibit #16)
2. On April 6, 2018, the department received notice from Eve Vaccaro of P.A. Post insurance that the respondent had been operating twenty-seven (27) vehicles without insurance since March 22, 2018. Many of these vehicles were being operated with either service bus or commercial plates. (Department Exhibit #2)
3. On April 9, 2018, the department notified Lieutenant Garfield Green at the Department of Motor Vehicles (hereinafter "DMV") of the respondent's lack of insurance. (Department Exhibit #4)
4. On April 20, 2018, the department was provided information that Sergeant Davis went to the respondent's headquarters and took photographs of a stretch Hummer and a trunk full of license plates which were seized by the DMV. Sergeant Davis also visited two other locations occupied by the respondent to seize all of the other plates known to DMV to be registered to the respondent. (Departments Exhibit #7)
5. Jean Pierre Vitte, the sole member of the LLC, is operating an unauthorized livery service named Michaels Limousine from the same headquarters on Lewis Street. (Department Exhibit #7)
6. Although not required, on April 24, 2018, the department sent out a warning letter to the respondent detailing the allegations against it. (Department Exhibit #20)
7. After the license plates were seized by DMV, the respondent registered the same vehicles with temporary plates which were not proper to transport passengers in motor bus service. (Department Exhibit #9)
8. On June 26, 2018, the respondent retained insurance through New York Marine & General. (Department Exhibit #14)
9. On July, 25, 2018, the department again forwarded to the respondent the allegations against it. (Department Exhibit #13)
10. On August 24, 2018, the department was notified that the respondents insurance was cancelled. (Department Exhibit #15)
11. The FMCSA reflects that the respondent had two involuntary revocations on May 15, 2018 and October 31, 2018. After the May 15, 2018, revocation the respondent was reinstated on July 11, 2018 only to be revoked again on October 31, 2018. (Department Exhibit #19)
12. The DMV records reflect that the respondent had its insurance cancelled on numerous occasions in 2018. (Department Exhibit # 21)
13. The respondent had only two buses registered with the department under Permit Number 550. The department did not inspect any of the other vehicles being operated under this permit. (Department Exhibit #17)

14. The respondent did not get the proper inspection, did not display Memorandum of Certificates, file a list of vehicles in its fleet, display an identification sign, display seating capacity or have an emergency door.

15. The respondent also had improper registration of motor buses with improper plates and no inspections, no insurance and no reciprocity sticker.

16. The respondent failed to appear at the citation hearing.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in motor bus service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-80, as amended.

Pursuant to Connecticut General Statutes Section 13b-80, 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-80, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one hundred (\$100) dollars per day for each violation.

In addition to the documentary evidence provided, the department also presented the testimony of witnesses from the Regulatory & Compliance Unit and Sergeant Davis from DMV who testified about the numerous violations committed by the respondent. The evidence shows that the respondent is guilty of these violations, the most serious being the lack of insurance.

The respondent committed violations of Department of Transportation Regulations contained in Docket No. 8500 as follows: Rule No. 10 – Inspection by Commission, Rule No. 13 – Memorandum of Certificates, Rule No. 14 – Fleet Registration, Rule No. 49 – Identification Sign, Rule No. 50 – Seating Capacity Display and Rule No. 51 – Emergency Door.

In addition to those violations, the respondent also violated the following Connecticut General Statutes Sections: Section 13b-83 – Registration of Motorbuses (Improper plates, no inspections), Section 14-29 – Insurance Requirements (No Insurance) and Section 14-34A – Reciprocal agreements apportioning the registration of commercial vehicles (Reciprocity Sticker).

The respondent has committed serious offenses and has put the general public at risk by operating without insurance. In addition, the respondent failed to appear at the hearing to answer these allegations. Since the respondent failed to appear, the department will revoke the respondent's permit.

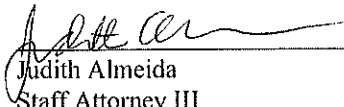
IV. ORDER

Based on the above, Motor Bus Permit 550, in the name of Concierge Enterprises, LLC, is hereby revoked. The revocation will become effective on December 14, 2018.

This decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 30th day of November 2018.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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