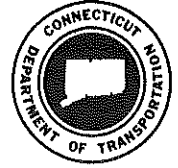


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

DOCKET NUMBER 2210-C-95-L

RE: IN THE MATTER OF THE CITATION OF WRIGHT
TRANSPORTATION, INC

DECISION

NOVEMBER 30, 2022

I. INTRODUCTION

A. General

By citation dated October 19, 2022, by the Department of Transportation (hereinafter “department”), pursuant to Connecticut General Statutes Section 13b-102, 13b-103 and 4-182 as amended, Wright Transportation, Inc. (hereinafter “respondent”), holder of Livery Permit Number 3505, was ordered to come before the department to answer the allegations made therein.

Pursuant to said citation, the respondent was directed to appear by telephone to show cause why Livery Permit Number 3505, issued for intrastate livery service should not be suspended or revoked or a civil penalty imposed for violation of its permit pursuant to Connecticut General Statutes Section 13b-103, et seq.

More specifically, it is alleged that Wright Transportation, Inc. is unsuitable to continue in operation as a result various allegations outlined in the citation notice of hearing. The citation was served upon the respondent by 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 this citation was held on November 8, 2022, and November 22, 2022. 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-103, 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

Gary Wright appeared pro se on behalf of the respondent in this matter. His mailing address is 115 Route 32, North Franklin, CT 06254.

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

Mario Andrukiewicz, License and Application Analyst with the Regulatory and Compliance Unit, presented evidence in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Livery Permit Number 3505 in the name of Wright Transportation, Inc. which operates livery vehicles from a headquarters in Franklin. The respondent has authorization to operate two (2) general livery vehicles and five (5) vehicles in governmental livery service.

2. On September 13, 2022, Ms. Sarah Orozco filed a complaint with the Regulatory & Compliance Unit that she had hired Wright Transportation which appeared in an unmarked vehicle and after she questioned the driver about what kind of cab service it was, he took off.

3. Ms. Orozco did not appear at the citation hearing to testify.

4. On September 16, 2022, the Regulatory & Compliance Unit sent a 15-day warning letter to the respondent asking for an explanation about the complaint. The respondent never contacted the department. A second warning letter was also sent to the respondent's agent, Attorney Pascal.

5. The respondent was also sent an email on September 16, 2022, explaining there was a potential citation action pending.

6. The federal filing with FMCSA shows that the respondent is inactive and was revoked on September 15, 2020.

7. A review of the departments records shows that the registration for the seven (7) vehicles the respondent had previously registered expired in March of 2021.

8. The criminal history record checks for both the respondent officers, Gary Wright, and Jason-Kenney expired in May 2020.

9. The respondent does not have insurance on its livery vehicles.

10. The respondent has three past citations including Docket Number 1711-C-123-L in 2018 and Docket Number 1810-C-122-L and 1903-C-33-L in 2019.

11. On November 10, 2022, Inspector Michael MacDougall inspected the respondent's headquarters and placed two of respondent's vehicles with license plates L00055L and L00372L out of service.

12. The respondent does not appear to have a valid mailing address. Mr. Wright complained he has issues getting his mail at his current mailing address.

13. Mr. Wight has not been operating in livery service since 2020. The respondent was facing a financial crisis and shut down the business.

14. Mr. Wright has acquired the funding to bring the company into compliance and resume livery service within 60 days.

15. The respondent has been getting livery trip requests daily and transportation brokers are willing to reengage with the respondent.

16. The Regulatory & Compliance Unit is proposing a civil penalty of \$52,000 for violations from October 2, 2022, to November 22, 2022, (52 days) with payment to be made by January 21, 2023.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over motor vehicles in intrastate 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 livery 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 (\$1,000) dollars per day for each violation.

The evidence has shown that the respondent ceased all livery service in 2020, at the start of the pandemic. Mr. Wright stated that he had a financial crisis which led to his livery service ceasing operation. He did not admit that either he or someone under his direction showed up to transport Ms. Orosco. Ms. Orosco lists the type of service she hired as a taxicab service several times within the complaint she filed. She was clearly expecting a taxicab because she asked the driver what type of cab service it was when he showed up in an unmarked car. Wright Transportation operates a livery service not a taxicab service. Not having Ms. Orosco available to testify puts her complaint into question as she cannot be cross examined as to the facts of her complaint and it is not clear that she did hire Wright Transportation. Therefore, the final determination in this case will be made on the matters which are clear and uncontested. The respondent's failure to operate in livery service and not on the complaint.

The respondent does not have any vehicles actively registered or insured. He does not have an active FSMCA, has an outdated criminal history form, is not picking up mail or responding to the department's requests. It is understandable that respondent would have financial issues given the pandemic, but he failed to be proactive in handling these issues. The respondent has been given other opportunities in the past to bring his company into compliance and is still having issues so there must be a serious civil penalty imposed.

For these violations, a civil penalty of \$150 will be imposed for each of the 52 days from the warning letter deadline on October 2, 2022, to the hearing date of November 22, 2022, for a total civil penalty of \$7,800. Certainly, a larger civil penalty could have been assessed against the respondent, but that will likely put the respondent out of business and the respondent deserves a chance, due to the unprecedented nature of the pandemic, to be allowed to try to resurrect the business.

This \$7,800 civil penalty must be paid to the Regulatory & Compliance Unit in instalments of \$1,000 on the first Wednesday of each month following a payment schedule of \$1,000 due on the following days: February 1, 2023, March 1, 2023, April 5, 2023, May 3, 2023, June 7, 2023, July 5, 2023, August 2, 2023, and lastly an \$800 payment due on September 6, 2023. This delay in the start of the payments will allow the respondent to become fully compliant and operational before having to start paying the civil penalty.

To ensure these payments are made, the respondent will submit copies of each payment made to the Administrative Law Unit at the time it is submitted to the Regulatory & Compliance Unit. The department will continue to maintain jurisdiction over this matter until this \$7,800 civil penalty has been fully paid. In the event that the respondent fails to make a payment, the matter will be reopened, and the respondent will be subject to further civil penalties, suspension or revocation.

IV. ORDER

The department shall maintain ongoing jurisdiction in this matter until the final payment of the \$7,800 has been made.

1. The respondent must pay a civil penalty of \$7,800 to the Regulatory & Compliance Unit by installment payments of \$1,000 due on the first Wednesday of each month. Payments are due on February 1, 2023, March 1, 2023, April 5, 2023, May 3, 2023, June 7, 2023, July 5, 2023, August 2, 2023, and lastly a payment of \$800 due on September 6, 2023.

2. The respondent shall pay to the department, Regulatory & Compliance Unit, each instalment payment by certified check, bank check or money order made payable to the Treasurer, State of Connecticut.

3. The respondent shall submit copies of the monthly payments to the Administrative Law Unit upon payment.


4. The respondent must disclose to the Regulatory & Compliance Unit and the Administrative Law Unit a valid mailing address within 10 days from the date of this decision.

5. Failure to of the respondent to comply with this order will result in the reopening of this citation matter with the possibility of further civil penalties, suspension, or revocation of respondent's Livery Permit Number 3505.

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

Dated at Newington, Connecticut on this 30th day of November 2022.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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