



**STATE OF CONNECTICUT**  
**DEPARTMENT OF TRANSPORTATION**



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DOCKET NUMBER 0411-AV-09-T

IN THE MATTER OF THE FINAL DECISION IN THE APPLICATION OF  
PATRICK E. FOLTZ DBA PORT CITY TAXI FOR AUTHORIZATION TO  
OPERATE ADDITIONAL TAXICAB SERVICE, WITHIN AND TO AND FROM  
THE ADDITIONAL TOWN OF WATERFORD, AND FOR TWO (2) ADDITIONAL  
TAXICABS WITHIN AND TO AND FROM THE COMBINED TERRITORY OF  
GROTON, MONTVILLE, NEW LONDON AND WATERFORD.

**AMENDED FINAL DECISION AFTER APPEAL**

April 12, 2011

## I. INTRODUCTION

An administrative hearing was held on November 4, November 8 and November 12, 1999 in accordance with Connecticut General Statutes Section 13b-97(a) on the application of Patrick E. Foltz d.b.a. Port City Taxi, assigned Docket Number 9908-N-34. On December 1, 1999, a Final Decision was issued in which the applicant was granted two (2) taxicabs in New London, Groton and Montville.

Thereafter, an administrative hearing was held on July 12, 2005, October 7, 2005, November 14, 2005 and January 6, 2006 in accordance with Connecticut General Statutes Section 13b-97(a) on the application of Patrick E. Foltz d.b.a. Port City Taxi, assigned Docket Number 0411-AV-09-T. On March 13, 2006, a Final Decision was issued by the Department of Transportation (hereinafter "Department") granting the applicant two (2) additional motor vehicles in taxicab service and granting the additional territory of Waterford which resulted in the applicant having authorization for four (4) taxicabs in Groton, Montville, New London and Waterford.

On March 28, 2006, Mary Alice Moore Leonhardt, counsel for the intervenors in the original matter, filed a Petition for Reconsideration of the Final Decision on behalf of the intervenors. On April 10, 2006, the Department granted reconsideration of the Final Decision and upheld the original decision.

After an appeal to the Superior Court on April 20, 2007, the Connecticut Appellate Court affirmed the decision of the Honorable Henry Cohen on February 5, 2011 in Docket Number CV 07-4013583S, *Yellow Cab Co. of New London and Groton, Inc. v. Connecticut Department of Transportation, et al* which overturned the final decision dated March 13, 2006 granting Port City two (2) taxicab authorities in Groton, Montville, New London and adding the territory of Waterford. This amended final decision revokes the authority for the two (2) taxicabs and territory of Waterford granted in the 2006 Final Decision.

## II. APPEARANCES

The applicant, Patrick E. Foltz dba Port City Taxi (hereinafter "Port City") was represented by Edward Moukawsher, Esq. whose law office has a mailing address of 48 West Elderkin Avenue, Groton, CT 06340.

Mary Alice Moore Leonhardt, Esq. represented the petitioners (intervenors in the initial matter) Yellow Cab Company of New London & Groton, Inc. (hereinafter "Yellow Cab") and Union Lyceum Taxi Co., Inc. Ms. Leonhardt's law office has a mailing address of Law Office of Mary Alice Moore Leonhardt, 102 Oak Street, Hartford, CT 06106.

### III. APPEAL TO THE SUPERIOR COURT & THE APPELATE COURT

The instant matter was appealed to the Superior Court in *Yellow Cab Co. of New London & Groton, Inc. and Union Lyceum Taxi Company v. Connecticut Department of Transportation et al.* in Docket No. CV 07-401358S on April 20, 2007. Honorable Henry S. Cohn heard the matter and rendered a decision on February 5, 2009, sustaining the appeal based on an error of law and revoking the two taxicabs granted in the final decision. On March 8, 2011, the Connecticut Appellate Court affirmed the decision of Judge Cohen.

### IV. CONCLUSION

As a result of the appeal, Port City Taxi is hereby ordered to return four (4) taxicab license plates (two front and two back plates) to the Department of Motor Vehicles within seven (7) days from the date on this final decision. A receipt showing the return of the four (4) plates must also be submitted to the Regulatory & Compliance Unit within seven days from the date of this decision. Failure to submit a receipt for the returned plates within the allotted time period will result in a citation hearing.

### V. ORDER

It is hereby ordered that the grant of authority issued in *The Final Decision In The Application Of Patrick E. Foltz d.b.a. Port City Taxi For Authorization To Operate Additional Taxicab Service, Within And To And From The Additional Town Of Waterford, And For Two (2) Additional Taxicabs Within And To And From The Combined Territory Of Groton, Montville, New London And Waterford Final Decision in the Application of Patrick E. Foltz d.b.a. Port City Taxi*, Department of Transportation Final Decision, Docket No. 0411-AV-09-T (March 16, 2006), for two additional taxicabs and the expansion into the town of Waterford, is hereby revoked and Certificate No. 1151, standing in the name of Patrick E. Foltz d.b.a. Port City Taxi is hereby amended and reissued as follows:

#### **TAXICAB CERTIFICATE NO. 1151** **FOR THE OPERATION OF MOTOR VEHICLES IN TAXICAB SERVICE**

Patrick E. Foltz d.b.a. Port City Taxi is hereby permitted and authorized to operate the following:

1. TWO (2) motor vehicles in taxicab service, within and to and from Groton, Montville, and New London to all points in Connecticut.
2. TWO (2) motor vehicles in taxicab service, within and to and from Groton, New London and Waterford.

RESTRICTIONS:

This Certificate may not be sold or transferred until it has been operational, *i.e.*, a vehicle registered with taxicab plates thereunder, for not less than twenty-four (24) consecutive months.

This Certificate shall remain in effect until it is amended, suspended, or revoked by the Department. Failure of the Certificate holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or rules, regulations, and orders of the Department shall be considered sufficient cause to amend, suspend, or revoke this Certificate.

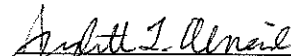
This Certificate is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations, and orders as this Department may from time to time prescribe.

Dated in Newington, Connecticut this 12th day of April, 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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