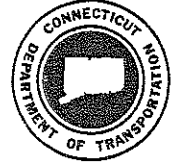


*File*



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546  
NEWINGTON, CONNECTICUT 06131-7546  
Phone: (860) 594-2875

DOCKET NUMBER 0607-C-2-L  
(Case No. LV06-1605-74)

RE: IN THE MATTER OF THE CITATION OF CARRIAGE  
LIMOUSINE SERVICE, INC.

Final Decision

January 23 2009

## I. INTRODUCTION

### A. Background

By citation dated April 16, 2007, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103 et seq., as amended, Carriage Limousine Service, Inc. (hereafter "respondent"), holder of Livery Permit Number 2343 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 2343, issued for the operation of motor vehicles in livery service, should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-102, et seq. more specifically as follows:

On or about December 10, 2001, the permit holder was conducting business in interstate authority while its federal authority, identified by MC-196528, was revoked in violation of Sections 13b-102 and 13b-103 of the Connecticut General Statutes;

On or about February 22, 2002, the permit holder executed and filed a merger between itself and Top Hat Limousine Service, Inc. with the Secretary of the State's Office and failed to seek or file for approval from the Department of Transportation in violation of Section 16-325-2(1) through (4), inclusive, of the Regulations of Connecticut State Agencies;

On or about July 19, 2003, on two occasions and on one occasion on September 12, 2003 the permit holder engaged in intrastate livery with vehicles that were not approved by the Department of Transportation in violation of Section 16-325-9 of the Regulations of Connecticut State Agencies;

On or about June 5, 2005, you allowed a motor vehicle in livery, identified by marker plate number 4255 (Bus), to transport twenty-two (22) passengers for hire while the motor vehicle was registered with the Commissioner of Motor Vehicles to carry not more than twenty (20) passengers, in violation of Sections 14-273 and 13b-103 of the Connecticut General Statutes.

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 November 7, 2007, March 24, 2008 and October 20, 2008.

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, 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 General Statutes.

## C. Appearances

The respondent appeared through its owner, Alexander Lerz, whose mailing address is 50 Bala Ridge Road, Oxford, Connecticut, and was represented by Eric I. Emanuelson, Esquire, with the Emanuelson Law Firm, P.C., whose mailing address is 1575 Boston Post Road, Building B-Suite C, P.O. Box 364, Guilford, Connecticut.

Wayne Sinclair, with the Regulatory and Compliance Unit of the department presented the department's evidence. Robert Colucci and Eugene Morris, special investigator and public transit inspector, respectively, with the Regulatory and Compliance Unit of the Department of Transportation were agency witnesses.

## D. Stipulation

The respondent and the Regulatory & Compliance Unit stipulated to the following:

1. *The company formerly known as Carriage Limousine Service, Inc. and currently operating as Top Hat Limousine Service is hereby found to have been operating in violation of Section 13b-106 by operating a vehicle not approved for livery service and will pay a civil penalty in the amount of \$5000;*
2. *The company formerly known as Carriage Limousine, Inc. and at the time the citation was issued, operated as Top Hat Limousine Service, Inc. d/b/a Carriage Limousine, are to provide for the inspection of all vehicles registered by the company to carry eight (8) passengers or less. This inspection was to be performed by a licensed independent garage. Said garage will certify that the vehicles are all mechanically fit for use on the highways of the State of Connecticut, and a copy of such*

*inspection and certification will be provided to the Department of Transportation prior to application for sale and transfer.*

3. *The company formerly known as Carriage Limousine Service, Inc. and currently operating as Top Hat Limousine Service, Inc. d/b/a Carriage Limousine will contact and secure appointments for the Department of Transportation to inspect all vehicles registered by the company to carry more than eight (8) passengers.*
4. *The company formerly known as Carriage Limousine Service, Inc. will reincorporate a) Carriage Limousine Service, Inc. and b) Royal Limousine Service, Inc.*

*Top Hat Limousine Service Inc. exists and does not need to re-incorporate. It will then give evidence to the DOT of separate headquarters, copies of all filings with the Secretary of State, a list of all shareholders and board members, evidence of separate ownership of vehicles and separate insurance of all vehicles for each of the plates held under the permits issued to each entity. This will be accomplished within 30 days from the date of the consent decree entry.*

5. *This consent decree or stipulation when entered on the record by both parties agreeing to the above, disposing of all pending issues in the matter currently before the Adjudication Unit."*

## II. FINDINGS OF FACT

1. On or about December 10, 2001, the permit holder was conducting business in interstate authority while its federal authority, identified by MC-196528, was revoked.

2. On or about February 22, 2002, the respondent executed and filed a merger between itself and Top Hat Limousine Service, Inc. with the Secretary of the State's Office and failed to seek or file for approval from the Department of Transportation.

3. On or about July 19, 2003 – on two occasions - and on September 12, 2003 the respondent engaged in intrastate livery with vehicles that the Department of Transportation did not approved.

4. On or about June 5, 2005, the respondent allowed a motor vehicle, identified by marker plate number 4255 (Bus), to transport twenty-two (22) passengers for hire while the motor vehicle was registered with the Commissioner of Motor Vehicles to carry not more than twenty (20) passengers.

5. The respondent and the Regulatory and Compliance Unit of the department reached a resolution, as recited in Section I(D) of this final decision.

6. On October 20, 2008, the hearing on this matter resumed for confirmation that the respondent met all of the stipulations. The Regulatory and Compliance Unit personnel did not have the inspections completed by October 20, 2008.

7. On October 20, 2008, this hearing officer received confirmation from the Regulatory and Compliance personnel that the respondent met the terms of the stipulation as follows: meaning:

- a. The civil penalty in the amount of \$5000 was paid;
- b. All vehicles have been inspected and are in compliance;
- c. The former entities of Carriage Limousine Service, Inc. and Royal Limousine Service, Inc. have been re-instated as corporations;
- d. The headquarters have been established for all companies.
- e. The respondent has provided to the Regulatory and Compliance Unit personnel the names of all shareholders and board members, along with evidence of separate ownership and separate insurance.

8. The only matter not confirmed as being completed consists of the inspection of the respondent's headquarters by the Regulatory and Compliance Unit. Accordingly, the Regulatory and Compliance Unit will be afforded 120 days from the date of this final decision to complete its inspections and provide a written confirmation of the results.

### III. CONCLUSIONS OF LAW

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.

On or about December 10, 2001, the permit holder was conducting business in interstate authority while its federal authority, identified by MC-196528, was revoked in violation of Sections 13b-102 and 13b-103 of the Connecticut General Statutes;

On or about February 22, 2002, the respondent executed and filed a merger between itself and Top Hat Limousine Service, Inc. with the Secretary of the State's Office and failed to seek or file for approval from the Department of Transportation in violation of Section 16-325-2(1) through (4), inclusive, of the Regulations of Connecticut State Agencies;

On or about July 19, 2003, two occasions and on September 12, 2003 the respondent engaged in intrastate livery with vehicles that were not approved by the Department of Transportation in violation of Section 16-325-9 of the Regulations of Connecticut State Agencies;

On or about June 5, 2005, the respondent allowed a motor vehicle, identified by marker plate number 4255 (Bus), to transport twenty-two (22) passengers for hire while the motor vehicle was registered with the Commissioner of Motor Vehicles to carry not more than twenty (20) passengers, in violation of Sections 14-273 and 13b-103 of the Connecticut General Statutes.

#### IV. ORDER

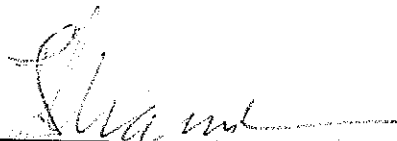
Inasmuch as Carriage Limousine Service, Inc. has complied with the requirements of the stipulated agreement, the only matter to be discussed is the inspection of headquarters by the Regulatory and Compliance Unit.

Accordingly, the Regulatory and Compliance Unit of the department shall inspect the headquarters as indicated in this final decision, for compliance, within one hundred twenty days from the date of this final decision, with a written statement that the respondent has or has not complied. If the respondent is not in compliance at the time of inspection, then this docket shall be opened for further action.

This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182.

Dated at Newington, this 23<sup>rd</sup> day of January 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



---

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