



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NUMBER 1103-C-18-L
(Case No. LV03-0811-8)

RE: IN THE MATTER OF THE CITATION OF METROPOLITAN
LIVERY, INC. D.B.A. METROPOLITAN LIVERY

Final Decision

May 16, 2011

I. INTRODUCTION

A. General

By citation dated April 12, 2011, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Metropolitan Livery, Inc. d.b.a. Metropolitan Livery (hereinafter "respondent"), holder of Livery Permit Number 736, 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 Livery Permit Number 736, issued for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of its livery permit pursuant to Connecticut General Statutes Section 13b-102, et seq.

More specifically, it is alleged that the respondent violated three sections of the Regulations of Connecticut State Agencies as follows:

1. Section 16-325-1 (1) (2) and (3)-Failure to maintain a headquarters.
2. Section 16-325-3-Failure to notify the department in writing within 48 hours of a change of address.
3. Section 16-326-4-Changing location of its headquarters to a point outside of the city or town specified in its permit without prior approval by the department.

The citation was served upon the respondent at P.O. Box 26094, West Haven, Connecticut 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 this citation was held on May 11, 2011.

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

William Scalzi appeared on behalf of the respondent. The respondent was represented by attorney Jay Malcynsky whose mailing address is One Liberty Square, New Britain, Connecticut 06061.

Eugene Morris, Public Transportation Transit Inspector with the Regulatory and Compliance Unit, was the case presenter in this matter.

II. STIPULATED JUDGEMENT & ORDER

1. The respondent is the holder of Livery Permit Number 736 in the name of Metropolitan Livery, Inc. d.b.a. Metropolitan Livery and is authorized to operate in general livery service from a headquarters in Meriden.

2. The respondent and the department entered into a Stipulated Judgment on May 11, 2011, in this matter.

3. The respondent is required to prove six (6) consecutive months that it has been operating an active livery headquarters in Meriden. If the respondent proves, to the satisfaction of the Regulatory and Compliance Unit, that it has actively been operating a headquarters in Meriden for the past three (3) consecutive months, the respondent only has to actively operate the Meriden headquarters for an additional three (3) consecutive months.

4. The respondent is hereby placed on probation for two (2) years from the date of this final decision. The respondent is prohibited from making an application for two additional permits without a hearing during the probation period. The respondent may file other applications during the probation period. This stipulated judgment will have no effect on the respondent's application in Docket Number 1010-NGOV-88-L for additional livery vehicles under contract.

5. There will be no sanctions invoked on the respondent from a prior decision in Docket Number 1102-C-05-L.

6. The transfer of headquarters application that the respondent has filed, Docket Number 1010-TH-89-L, will be on hold until the respondent has successfully operated a headquarters in Meriden for the six (6) consecutive (6) months required, or the three (3) consecutive months required if the respondent so proves to the department that it has been operating for three (3) months already.

7. The respondent will pay a civil penalty of \$3,000, within fourteen days of the date of this final decision.

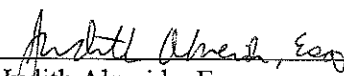
8. If the respondent fails to comply with all of the terms this stipulated judgment, the respondent may be cited again and may be subject to further monetary civil penalties and other sanctions including suspension and revocation.

Based on the above, the respondent is hereby ordered to pay to the Department of Transportation a civil penalty in the amount of THREE THOUSAND DOLLARS (\$3,000), by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut," within FOURTEEN days from the date of the final decision.

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

Dated at Newington, Connecticut on this the 16th day of May 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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