

File



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0708-C-129-L
(Complaint No. LV02-1307-26)

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

Final Decision

April 9, 2008

I. INTRODUCTION

A. Background

By citation dated March 15, 2008, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Sheer Elegance Limousine Service, Inc. (hereinafter "respondent"), holder of Livery Permit Number 2451, 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 2451, for the operation of livery service, should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-102, et seq. for failure to maintain a headquarters in accordance with Regulations of Connecticut State Agencies Section 16-325-3.

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 April 1, 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 failed to appear at this hearing. The respondent's mailing address is 22 Great Hill Road, Ansonia, CT 06401.

Robert Colucci, supervising special investigator with the Regulatory and Compliance Unit of the Department of Transportation presented the evidence in this matter.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit Number 2451 and is authorized to operate motor vehicles in general livery service to all points in Connecticut from a headquarters in Ansonia.

2. Robert Colucci, special investigator with the Regulatory and Compliance Unit of the department received a memorandum from a worker in his unit, that requested a headquarters check, based on information from the Department of Motor Vehicles that the respondent's vehicles were expired.

3. Colucci undertook a headquarters check on May 16, 2007. The respondent was not at that location.

4. Colucci did not find the respondent located at the headquarters address.

5. Another company was at the headquarters location. Morano Limousine Service, Inc. shared an office with the respondent and purchased one of the respondent's vehicles.

6. The respondent went out of business.

7. The respondent has no vehicles registered in its name.

8. A letter of investigation was sent to the respondent, which was signed for by Judy C. Nicola, who shared an office with the respondent prior to the respondent's closing its business.

9. The respondent was served with the citation in this matter at the mailing address of 22 Great Hill Road in Ansonia and the letter was returned to the department with a notation on it by the United States Post Office stating "Undeliverable as Addressed Unable to Forward."

III. DISCUSSION AND 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.

The evidence in this matter shows that Department of Transportation Regulatory and Compliance Unit special investigator Robert Colucci conducted a headquarters check and determined that the headquarters was not in operation. Further, the citation served by certified mail to the respondent was returned, indicating that the letter could not be forwarded, nor was the letter deliverable to the mailing address of record. Based on the evidence, the respondent does not retain a headquarters at the headquarters address of record in violation of Regulations of Connecticut State Agencies Section 16-325-3; and the respondent is in violation of its permit, issued pursuant to General Statutes Section 13b-103. It appears from the evidence that the respondent is no longer in operation. Accordingly, its permit will be revoked.

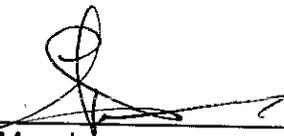
IV. ORDER

Based on the above, livery Permit Number 2451, standing in the name of Sheer Elegance Limousine Service, Inc., is hereby revoked. Said revocation shall become effective fifteen (15) days from the date of the final decision.

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

Dated at Newington, Connecticut on this the 9th day of April, 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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