



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860 594-2875

DOCKET NUMBER 0902-C-18-T
(Complaint No.s TX 10-0708-39, -40, -41, -42, -43)

RE: IN THE MATTER OF THE CITATION OF USA TAXI &
LIMOUSINE OF STAMFORD, INC.

Final Decision

June 10, 2009

I. INTRODUCTION

A. Background

By citation dated March 30, 2009, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, USA Taxi and Limousine of Stamford, Inc. (hereinafter "respondent" or "USA Taxi"), located of Stamford, Connecticut and holder of Taxicab Certificate Number 1182, 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 to show cause why Certificate Number 1182 should not be suspended, revoked or a civil penalty imposed for violation of its certificate, issued pursuant to Connecticut General Statutes Section 13b-96 *et seq.* More specifically, it is alleged that vehicles registered to the respondent violated the Regulations of Connecticut State Agencies (hereinafter "RCSA") as specified below:

TX 10-0708-39: T4976T – 13b-96-27(4) by allowing the operation of a taxi by a unlicensed operator; 13b-96-41 (b)(6) by failing to have a luggage barrier, 13b-96-44 (c) by having inoperable dome lights.

TX 10-0708-40: T4700T – 13b-96-27(4) by allowing the operation of a taxi by a unlicensed operator; 13b-96-41(c) by allowing the operation of taxis in an unsafe condition; 13b-96-41 (b)(3) by having inoperable restraints; 13b-96-41 (b)(5) by having inoperable air conditioning; 13b-96-43(b)(1) by having seats not firmly attached to the vehicle; 13b-96-43(c)(4) by having inoperable windows; 13b-96-44 (c) by having inoperable dome lights.

TX 10-0708-41: T4697T – 13b-96-27(4) by allowing the operation of a taxi by an unlicensed operator.

TX 10-0708-42: T4689T – 13b-96-32(c) by having no comment cards in the vehicle; 13b-96-41(c) by allowing the operation of taxis in an unsafe condition; 13b-96-43(a)(7) by having broken tail lights.

TX 10-0708-43: T4688T – 13b-96-32(c) by having no comment cards in the vehicle; 13b-96-41(c) by allowing the operation of taxis in an unsafe condition; 13b-96-43(a)(7) by having broken tail lights.

I. INTRODUCTION

A. Background

By citation dated March 30, 2009, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-97, as amended, USA Taxi and Limousine of Stamford, Inc. (hereinafter "respondent" or "USA Taxi"), located of Stamford, Connecticut and holder of Taxicab Certificate Number 1182, 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 to show cause why Certificate Number 1182 should not be suspended, revoked or a civil penalty imposed for violation of its certificate, issued pursuant to Connecticut General Statutes Section 13b-96 *et seq.* More specifically, it is alleged that vehicles registered to the respondent violated the Regulations of Connecticut State Agencies (hereinafter "RCSA") as specified below:

TX 10-0708-39: T4976T – 13b-96-27(4) by allowing the operation of a taxi by a unlicensed operator; 13b-96-41 (b)(6) by failing to have a luggage barrier, 13b-96-44 (c) by having inoperable dome lights.

TX 10-0708-40: T4700T – 13b-96-27(4) by allowing the operation of a taxi by a unlicensed operator; 13b-96-41(c) by allowing the operation of taxis in an unsafe condition; 13b-96-41 (b)(3) by having inoperable restraints; 13b-96-41 (b)(5) by having inoperable air conditioning; 13b-96-43(b)(1) by having seats not firmly attached to the vehicle; 13b-96-43(c)(4) by having inoperable windows; 13b-96-44 (c) by having inoperable dome lights.

TX 10-0708-41: T4697T – 13b-96-27(4) by allowing the operation of a taxi by an unlicensed operator.

TX 10-0708-42: T4689T – 13b-96-32(c) by having no comment cards in the vehicle; 13b-96-41(c) by allowing the operation of taxis in an unsafe condition; 13b-96-43(a)(7) by having broken tail lights.

TX 10-0708-43: T4688T – 13b-96-32(c) by having no comment cards in the vehicle; 13b-96-41(c) by allowing the operation of taxis in an unsafe condition; 13b-96-43(a)(7) by having broken tail lights.

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-97 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on March 30, 2009 and June 3, 2009.

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 without counsel. The respondent's mailing address is P.O. Box 1005, Stamford, Connecticut.

Eugene Morris of the department's Regulatory and Compliance Unit presented the evidence in this matter.

II. FINDINGS OF FACT

1. The respondent is holder of taxicab Certificate Number 1182 and is authorized to operate fifteen (15) taxicabs with and to and from Stamford, Connecticut.

2. On August 18, 2008 at the Stamford, Connecticut train station, the department's Regulatory and Compliance personnel conducted a taxicab compliance and enforcement operation with the Connecticut Department of Motor Vehicles inspectors.

3. The inspection resulted in the observance by department officials of several violations of the General Statutes and Regulations of Connecticut State Agencies by the respondent.

4. On August 18, 2008 at the Stamford, Connecticut train station the results of the inspection revealed that the respondent allowed a taxicab, bearing marker plate T4976T in the name of the respondent, to 1) transport passengers while the vehicle was being operated by a driver, Jose Campillo, without a proper license endorsement for a taxicab driver, 2) allow the taxicab to operate without a properly lettered dome light, and 3) for failing to have a luggage barrier. Complaint No. TX10-0708-39.

5. On August 18, 2008 at the Stamford, Connecticut train station the results of the inspection revealed that the respondent allowed a taxicab, bearing marker plate T4700T in the name of the respondent, to 1) transport passengers while the vehicle was being operated by a driver, Enrique Vergara, without a proper license endorsement for a taxicab driver, 2) to operate with inoperable air conditioning, 3) to operate with inoperable restraints, 4) to operate with inoperable windows, 5) to operate with seats not firmly attached to the vehicle, and 6) to operate with inoperable dome lights. Complaint No. TX10-0708-40.

6. The taxicab bearing marker plate T4700T also had unsafe tires and was towed from the train station.

7. The respondent allowed taxicab bearing marker plate T4697T to be operated by a driver, Luis Restrepo, without a license and without the proper endorsement to drive a taxicab. Complaint No. TX-0708-41.

8. On August 18, 2008 at the Stamford, Connecticut train station the results of an inspection revealed that the respondent allowed its taxicab bearing marker plate T4689T, to be operated in an unsafe condition, with a cracked right rear tail light and a broken inside hood release and no comment card in the vehicle. Complaint No. TX-0708-42.

9. On August 18, 2008 at the Stamford, Connecticut train station the results of an inspection revealed that the respondent allowed a taxicab, bearing marker plate T4688T in the name of the respondent, to be operated with a cracked left rear tail light, weak emergency brake and no comment card in the vehicle. Complaint No. TX-0708-43.

10. During the month of May 2009, and prior to the continuation of the hearing on June 3, 2009, the respondent had all of its 15 taxicabs inspected. The results of the inspections revealed that all of the taxicabs registered to the respondent were in compliance as of June 3, 2009. Further, all of the persons driving a taxicab registered to the respondent were in compliance with regard to their licenses and endorsements. Respondent's Exhibits – inspection reports and driver's license copies.

III. JURISDICTION

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in taxicab service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-96, as amended.

Pursuant to Connecticut General Statutes Section 13b-97 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-96, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one hundred dollars per day for each violation.

IV. DISCUSSION

Francisco Rendon, owner of the respondent company, testified at the hearing that the violations that were observed by the inspectors on August 18, 2008 did occur. Rendon testified that because they are owner operators, he cannot get the drivers to comply with his requests or the statutes and regulations of taxicab service.

Rendon was advised by Regulatory and Compliance inspector Eugene Morris, and Morris's advice is reiterated herein, that if the drivers do not comply with the statutes and regulations, they should not be afforded the opportunity to work for the company. While the statutes and regulations apply to all of the players in the taxicab service field, ultimately, the owner of the companies in question will be accountable for the violations. It would therefore be in Rendon's best interest, and in the best interest of the public, for Rendon to make the drivers accountable for their actions.

Notwithstanding the above, the violations occurred and the respondent will be administratively sanctioned for said violations and as an incentive for taxicab owner to ensure that the people who drive for the company are in compliance in every aspect with the law.

The respondent will be assessed a civil penalty for each violation for the day of August 18, 2008. Further such violations will be assessed a civil penalty for each day that the taxicab certificate holder is not in compliance, with a higher penalty for the most egregious violations of allowing the driver of a taxicab to drive without the proper licensing and allowing the operation of an unsafe vehicle. Those violations will be sanctioned at a higher civil penalty.

V. CONCLUSIONS OF LAW

At minimum, the respondent was in violation on one day, August 18, 2008, of the following Sections of the Regulations of Connecticut State Agencies:

T4976T – 13b-96-27(4) by allowing the operation of a taxi by an unlicensed operator;

13b-96-41 (b)(6) by failing to have a luggage barrier

13b-96-44 (c) by having inoperable dome lights.

T4700T – 13b-96-27(4) by allowing the operation of a taxi by an unlicensed operator;

13b-96-41(c) by allowing the operation of taxis in an unsafe condition;

13b-96-41 (b)(3) by having inoperable restraints;

13b-96-41 (b)(5) by having inoperable air conditioning;

13b-96-43(b)(1) by having seats not firmly attached to the vehicle;

13b-96-43(c)(4) by having inoperable windows;

13b-96-44 (c) by having inoperable dome lights.

T4697T – 13b-96-27(4) by allowing the operation of a taxi by an unlicensed operator.

T4689T – 13b-96-32(c) by having no comment cards in the vehicle;

13b-96-41(c) by allowing the operation of taxis in an unsafe condition;

13b-96-43(a)(7) by having broken tail lights.

T4688T – 13b-96-32(c) by having no comment cards in the vehicle;

13b-96-41(c) by allowing the operation of taxis in an unsafe condition;

13b-96-43(a)(7) by having broken tail lights.

VI. ORDER

Based on the above, a civil penalty in the total amount of Two Thousand Three Hundred Dollars (\$2,300) is hereby assessed against USA Taxi and Livery of Stamford, Inc. The civil penalty is broken down as follows: Two Hundred Dollars (\$200) assessment for each violation of allowing unlicensed drivers and unsafe vehicles to be placed in service (6 violations) and One Hundred Dollars (\$100) for all other violations (total of 11).

Accordingly, the respondent is hereby ordered to remit to the Department of Transportation a bank check, certified check or money order made payable to "Treasurer, State of Connecticut" in the total amount of \$2300, within 45 days from the date of this final decision.

Further, the respondent is hereby ordered to

1. have each of its vehicles inspected in January 2010 and
2. have each of its drivers copy his or her driver's license
3. submit a copy of each inspection report for each vehicle along with a copy of each driver's license, by February 15, 2010, to the Regulatory and Compliance Unit for review.

Failure to comply with the above orders may result in further sanctions. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182.

Dated at Newington, Connecticut on this the 10th day of June 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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