



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1307-C-296-L

RE: IN THE MATTER OF THE CITATION OF VIP EXPRESS, LLC.

Final Decision

December 6, 2013

I. INTRODUCTION

A. General

By citation dated September 12, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, VIP Express, LLC. (hereinafter "respondent"), holder of Permit Number 2940, 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 Permit Number 2940, issued for livery service, should not be suspended or revoked or a civil penalty imposed for violation of its certificate pursuant to Connecticut General Statutes Section 13b-103, et seq.

More specifically, it is alleged that the respondent violated Connecticut General Statute Section 14-44 (a) for operating in livery service without a proper license and Regulations of Connecticut State Agencies Section 16-325-6 Requirements of Drivers.

The citation was served upon the respondent 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 November 21, 2013.

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

Jerry Paleczny appeared pro se at the citation hearing. The respondent's mailing address is 4 Beechwood Court, Newington, Connecticut 06111.

Eugene Morris, Transportation Public Transit Inspector with the Regulatory and Compliance Unit, presented evidence on behalf of the department.

II. FINDINGS OF FACT

1. The respondent's vehicle was stopped on May 18, 2013, in Southington at a joint DMV/DOT prom enforcement action.

2. Mr. Dennis King, Manager of the Regulatory & Compliance Unit, was present at the enforcement action.

3. The respondent's driver, Derick Subramani, was cited for violations of Connecticut General Statute Section 14-44(a) for operating without the proper license endorsement.

4. On July 23, 2013, the department sent to the respondent a warning letter in accordance with Connecticut General Statute Section 13b-103(c). The warning letter was sent well beyond the fifteen (15) day period allowed by statute.

5. Mr. Paleczny testified that he was short a driver due to illness and asked a friend who owned a livery company to drive the car for him.

6. The driver did not have the proper license endorsement.

III. CONCLUSION

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-103, as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one thousand dollars per day for each violation.

According to Connecticut General Statute 13b-103 (c), the warning letter must be sent within fifteen (15) days from the date the department receives knowledge of the violation. Since Mr. King was present on May 18, 2013, per the DMV report, that is that date that the fifteen (15) days starts to run. The warning letter was finally sent on July 23, 2013, which was well beyond the fifteen days required by the statute.

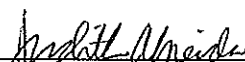
Mr. Paleczny testified that when he was short a driver he called a friend who had a limousine service to help him. His friend agreed to do the driving and since he owned a livery company, Mr. Paleczny never thought to check his license. These facts alone do not absolve the respondent for the actions of the driver but the failure of the department to issue a timely fifteen (15) day warning letter will cancel this citation action.

IV. ORDER

Based on the above, the citation action against VIP Express, LLC. will be dismissed.

Dated at Newington, Connecticut on this 6th day of December 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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