STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

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DOCKET NUMBER 1307-C-297-L

RE: IN THE MATTER OF THE CITATION OF BOHANNON & VINES TRANSPORATATION GROUP, LLC.

Final Decision

November 26, 2013

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I. INTRODUCTION

A. General

By citation dated September 9, 2013, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Bohannon & Vines Transportation Group, LLC. (hereinafter "respondent"), holder of Permit Number 518, 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 518, issued for the operation of charter bus authority, 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 13b-103 for operating without corrective lenses pursuant to Section 14-163 (c) (1) (9).

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

Kasanya Vines appeared pro se at the citation hearing. The respondent's mailing address is P.O. Box 5351, Milford, Connecticut 06460.

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

II. FINDING OF FACT

1. The respondent's vehicle was stopped on May 24, 2013, in Greenwich at a joint DMV/DOT enforcement action.

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

3. The respondent's driver, Tyrese Narcisse, was cited for violations of Connecticut General Statute Section 13b-103 for operating without corrective lenses in violation of Connecticut General Statute Section 14-163(c) (1) (9).

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. Ms. Vines testified that until she got the warning letter from the department, she had no knowledge of the action taken against her driver. The driver never told her about the matter and since the DMV officer did not cite the respondent in the ticket, the company was never notified.

6. The driver was terminated by the respondent for failure to file paperwork.

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 24, 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.

Ms. Vines never received notice either through the driver or the DMV that her vehicle was stopped and her driver was issued a ticket. 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 does cancel this citation action.

IV. ORDER

Based on the above, the citation action against Bohannon & Vines Transportation Group, LLC. will be dismissed.

Dated at Newington, Connecticut on this 26th day of November 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

Judith Almeida
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Bureau of Finance and Administration