



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1507-C-90-L

RE: IN THE MATTER OF THE CITATION OF RAYMOND L.
CHARBONNEAU D/B/A ANTIQUE LIMOUSINE
SERVICE, LLC.

Final Decision

September 24, 2015

I. INTRODUCTION

A. Background

By citation dated August 11, 2015, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-103, as amended, Raymond L. Charbonneau D/B/A Antique Limousine Service, LLC (hereinafter "respondent"), holder of livery Permit Number 2650, was ordered to come before the department to answer allegations made therein.

The respondent was directed to appear at the Newington office of the Department of Transportation to show cause why Permit Number 2650, for the for the operation of motor vehicles in livery service and for the registration of interstate authority should not be suspended or revoked or a civil penalty imposed for violation of Connecticut General Statutes Section 13b-102, et seq.

The allegations against the respondent include violation of its livery permit issued pursuant to Connecticut General Statutes Section 13b-103 by the following actions:

- Failure to register its vehicles in violation Section 13b-103 of the Connecticut General Statutes; and
- Failure to maintain its Federal Motor Carrier Safety Administration authority up to date and registered with the State of Connecticut in violation of Connecticut General Statutes Section 13b-102(b); and
- Failure to maintain insurance, in violation of Connecticut General Statutes Section 14-29.

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 September 10, 2015.

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.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

Raymond L. Charbonneau D/B/A Antique Limousine Service, LLC, whose mailing address of record is 81 Deerwood Drive, Bethlehem, Connecticut, failed to appear at the citation hearing. The notice issued to the respondent by certified mail was delivered to the respondent on August 13, 2015. (USPS Tracking)

Valerie Seery, License and Applications Analyst with the Regulatory and Compliance Unit of the department, presented the evidence in this matter.

II. FINDINGS OF FACT

1. The respondent is holder of Livery Permit No. 2650.
2. On or about June 29, 2015, during a routine vehicle record check, License and Applications Analyst, Valerie Seery, discovered that the respondent holds authority to operate fifteen (15) motor vehicles in livery service, and two motor vehicles authorized to operate limited/special livery.
3. The respondent had only three (3) vehicles registered.
4. Seery sent a certified letter, dated July 1, 2015, to the respondent at his mailing address of record directing the respondent to register its vehicles within thirty days of the date of the letter.
5. The letter was delivered to the respondent by the United States Post Office on July 28, 2015.
6. The respondent did not contact the department regarding registering his vehicles.
7. As a result of the finding that the respondent did not have all of his vehicles registered, Seery searched the Federal Motor Carrier Safety Administration records and found that said records showed that the respondent's authority was inactive and the respondent had no insurance on file.
8. The respondent failed to appear at the hearing.

III. DISCUSSION

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 shows that the respondent is authorized to operate seventeen (17) motor vehicles in livery service but that only three (3) of said vehicles were registered; he does not have Federal Motor Carrier Safety Administration authority to operate interstate, as his authority is inactive and lastly, the respondent has not insurance on file with the Department of Motor Vehicles. It is reasonable to conclude, therefore, that the respondent no longer seeks to operate his business.

IV. CONCLUSIONS OF LAW

Based on the substantial evidence of record, the respondent is in violation of its permit, issued pursuant to Connecticut General Statutes Section 13b-103, which requires the permit holder to comply with the laws, regulations and rules governing livery service. The respondent failed to comply by failing to register its vehicles pursuant to Connecticut General Statutes Section 13b-103 and 13b-106; the respondent is in violation of its permit by failing to maintain insurance, in accordance with Connecticut General Statutes Section 14-29.

V. ORDER

Based on the evidence of record, Permit No. 2650, standing in the name of Raymond L. Charbonneau D/B/A Antique Limousine Service, LLC, is hereby revoked.

Said revocation shall become effective on October 8, 2015, fifteen (15) days from the date of this final decision.

Dated at Newington, Connecticut on this 24th day of September 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
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Administrative Law Unit
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