

COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania, Department of Transportation,
Bureau of Driver Licensing v. Thomas Cappel, 106 Pa. Commw. 481

527 A.2d 190 (Pa. Commw. 1987) · No. No. 254 C.D. 1985 · Decided June 8, 1987

SUMMARY

The Pennsylvania Commonwealth Court reviewed the reduction of a motor vehicle inspection license suspension imposed on Thomas Cappel by the Department of Transportation. The court held that the trial court could modify the penalty after reaching a different legal conclusion, but that additional factual findings were needed to distinguish careless from improper record keeping. The court vacated the trial court's order and remanded for a new hearing and penalty consistent with the applicable regulations.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Judge Blatt; Judge MacPHAIL; Judge Barry; Senior Judge Blatt
JURISDICTION	Pennsylvania
DECIDED	June 8, 1987
DOCKET	No. 254 C.D. 1985
DISPOSITION	vacated
PROCEDURAL POSTURE	The Department of Transportation appealed an order of the Philadelphia County Court of Common Pleas that reduced Cappel's inspection-license suspension from 136 years and three months to concurrent one-year suspensions after a de novo hearing.
STANDARD OF REVIEW	The Commonwealth Court reviewed whether the trial court committed an error of law or abused its discretion in modifying the DOT penalty after a de novo hearing. The court also examined whether the evidence supported the trial court's legal conclusion and whether necessary factual findings had been made.
PRECEDENTIAL VALUE	precedential
PARTIES	Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing v. Thomas Cappel

TOPICS

administrative law

agency adjudication

judicial review of agency action

statutory interpretation

appellate procedure

PRACTICE AREAS

administrative law

motor vehicle licensing

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statutory interpretation

QUESTIONS PRESENTED

1. Whether a trial court conducting a de novo review may modify a DOT inspection-license suspension when it reaches a different legal conclusion from DOT.
2. Whether the trial court had made sufficient factual findings to classify Cappelletti's record keeping as careless rather than improper.
3. How the terms "improper" and "careless" record keeping should be distinguished under the applicable DOT regulations.

HOLDINGS

1. A trial court may modify a DOT inspection-license penalty when it reaches a legal conclusion different from DOT's conclusion, even if the trial court's finding concerning the absence of fraud or deception was not itself relevant to distinguishing improper from careless record keeping.
2. A trial court may not determine that conduct constitutes careless rather than improper record keeping without making factual findings addressing the elements necessary for that classification.
3. The order reducing Cappelletti's suspension had to be vacated and the matter remanded for a new hearing, factual findings, and imposition of a penalty consistent with those findings and the DOT regulations.

KEY QUOTATIONS

"We must, therefore, remand this matter to the trial court for a new hearing in which to make factual findings and to impose a penalty consistent with those findings as provided for by DOT regulations." (485-486)

"'Improper' is defined as 'not accordant with fact, truth, or right procedure,' i.e., incorrect, inaccurate. Webster's Third New International Dictionary 1137 (1966). 'Careless' is defined as 'not taking ordinary or proper care,' i.e., neglectful, inattentive." (486)

FACTUAL BACKGROUND

DOT found Cappelletti responsible for 47 counts of improper record keeping and imposed a suspension of his certificate of appointment and motor-vehicle inspection license totaling 136 years and three months. The Court of Common Pleas found no fraud or deception, characterized the conduct as careless record keeping, and imposed concurrent one-year suspensions. The appellate court determined that the record lacked factual findings sufficient to distinguish careless from improper record keeping.

PROCEDURAL HISTORY

DOT suspended Cappelletti's certificate and motor-vehicle inspection license for 136 years and three months based on 47 counts of improper record keeping. After a de novo hearing, the Court of Common Pleas denied the appeal but reclassified the conduct as careless record keeping and reduced the penalty. The Commonwealth Court vacated that order and remanded for a new hearing, factual findings, and a penalty consistent with the findings and applicable DOT regulations.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Conduct a new hearing, make factual findings determining whether the conduct was careless or improper record keeping, and impose a penalty consistent with those findings and the applicable DOT regulations.

CASES CITED

- Department of Transportation, Bureau of Traffic Safety v. Kobaly, 477 Pa. 525, 384 A.2d 1213 (1978)
- Carver House, Inc. Liquor License Case, 454 Pa. 38, 310 A.2d 81 (1973)
- Barone's, Inc. v. Pennsylvania Liquor Control Board, 10 Pa. Commw. 563, 312 A.2d 74 (1973)
- Kenworth Trucks Philadelphia, Inc. v. Department of Transportation, Bureau of Traffic Safety, 56 Pa. Commw. 352, 425 A.2d 49 (1981)
- Commonwealth v. Lossie, 96 Pa. Commw. 553, 507 A.2d 1312 (1986)
- Department of Transportation, Bureau of Traffic Safety v. Antram, 48 Pa. Commw. 135, 409 A.2d 492 (1979)
- Department of Transportation v. Sortino, 75 Pa. Commw. 541, 462 A.2d 925 (1983)
- Department of Transportation, Bureau of Traffic Safety v. Verna, 23 Pa. Commw. 260, 351 A.2d 694 (1976)