

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1111-N-117-L

RE: APPLICATION OF COMFORT CARE TRANSPORTATION, LLC. TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS IN LIVERY SERVICE FOR ELDERLY AND HANDICAPPED PERSONS BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN DANBURY.

FINAL DECISION

February 3, 2012

## I. INTRODUCTION

### A. General

By application filed on November 21, 2011, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Comfort Care Transportation, LLC. (hereinafter "applicant"), with a mailing address of 70 Locust Avenue, Apt. 1, Danbury, Connecticut, seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less in livery service, to transport elderly and handicapped passengers between all points in Connecticut from a headquarters in the City of Danbury.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-105, as amended, a public hearing on this application was held on January 19, 2012.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required pursuant to the Connecticut General Statutes Section 13b-105. Legal notice to the public was given by publication on the department's website.

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

### C. Appearances

Odilene Monroe appeared pro se on behalf of the applicant. Ms. Monroe's mailing address is 70 Locus Avenue, Apt 1, Danbury, Connecticut 06810.

Sheldon Lubin appeared as a member of the department's staff to provide a financial analysis.

## II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in livery service from a headquarters in Danbury to transport elderly and handicapped patrons.

2. Ms. Monroe works with the elderly and disabled as a nurse's aide and has held this type of job for six years. Ms. Monroe works two jobs in this capacity.

3. Ms. Monroe entered into an agreement with the City of Danbury wherein she would not park her livery vehicle at her residence on Locust Avenue since it violates current zoning laws.

4. The applicant has an E350 van with a monthly loan payment of \$253 and an outstanding balance of \$4,553. The fair market value of the vehicle is \$5,000.

5. The applicant's insurance cost is \$4,600 per year with property tax of \$171. The applicant has monthly expenses for fuel of \$200.

6. The applicant had \$9,195 in the bank as of January 26, 2012. After six months of operation, the applicant will have a surplus of \$2,170.

7. For the present time the applicant will operate the business from her home while parking the vehicle in a rented parking spot at 23 Chestnut Street in Danbury for a monthly cost of \$70.

8. Luiz De Gody, the applicant's fiancé will help in the business as needed but he will not be working in the business full time.

9. Karen Johnstone testified as a character witness in support of the applicant.

10. Ms. Monroe has a public service license and will drive the vehicle in livery service. At the present time, there will be no additional employees in the business.

### III. DEPARTMENT ANALYSIS

The department has jurisdiction over each person, association, limited liability company or corporation owning or operating a motor vehicle in livery service, pursuant to Connecticut General Statutes Section 13b-102, as amended.

In determining whether a livery permit should be granted, the department shall take into consideration the present or future public convenience and necessity. The applicant must prove that the public's convenience and necessity will be improved by the proposed service. Additionally, the applicant must show the suitability of the applicant or the suitability of the management if the applicant is a limited liability company or corporation, the financial responsibility of the applicant, the ability of the applicant efficiently and properly to perform the service for which authority is requested and the fitness, willingness and ability of the applicant to conform to the provisions of the statutes and the requirements and regulations of the department thereunder, in accordance with Connecticut General Statutes Section 13b-103.

In support of financial wherewithal the applicant provided information that showed that the applicant has an E350 van with a monthly loan payment of \$253 and an outstanding balance of \$4,553. The fair market value of the vehicle is \$5,000. The applicant's insurance cost is \$4,600 per year. The applicant has monthly expenses for fuel of \$200 with an annual property tax of \$171. The applicant has \$9,195 in the bank as of January 26, 2012. A six month review of the applicant's expenses reveals a surplus of \$2,170, making the applicant financially viable.

With regard to suitability, the applicant provided a criminal record check which disclosed no convictions. The applicant has experience in working with the elderly and handicapped and will be able to operate the proposed service. The applicant also presented the testimony of Ms. Johnstone who essentially acted as a character witness as to the suitability of Ms. Monroe. With regard to suitability, the applicant has proven that she is suitable to operate the proposed service.

Regarding the applicant's ability to efficiently provide the service, the applicant has extensive experience working with the elderly and handicapped which will ensure an efficient business operation. While the applicant has no livery experience, the applicant does appear to have knowledge of and the desire to comply with the rules and regulations.

The applicant also has to prove that public convenience and necessity would be improved by the proposed service. With regard to this requirement, the applicant presented little proof. Ms. Monroe testified that she spoke with a manager at one of her jobs who would be interested in using her service. Unfortunately, this manager did not come to testify about the need for the applicant's service, so there was no independent corroboration of need.

The applicant is encouraged to develop contacts within this field and to re-apply at a later date if she can present witnesses in support of her application who will address the public convenience and necessity criteria.

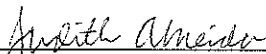
The applicant should also keep in mind that livery services are required to have set office hours, four consecutive hours, per day during which time there must be a staff person present in the office. With Ms. Monroe doing all of the driving and no other employees of the business, it is not clear whether this requirement can be met by the applicant. Her fiancé's occasional help is probably not going to be enough to fill this requirement.

#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-105, as amended, the application of Comfort Care Transportation, LLC is hereby denied.

Dated at Newington, Connecticut on this 3<sup>rd</sup> day of February 2012.

#### CONNECTICUT DEPARTMENT OF TRANSPORTATION

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