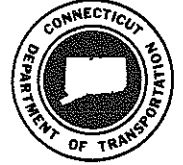




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1201-N-5-L

RE: APPLICATION OF LEXON LIMO, LLC. TO OPERATE TWO (2)
MOTOR VEHICLES, HAVING A SEATING CAPACITY OF TEN (10)
ADULTS OR LESS IN GENERAL LIVERY SERVICE BETWEEN ALL
POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEW
HAVEN.

FINAL DECISION

June 28, 2012

I. INTRODUCTION

A. General

By application filed on January 13, 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Lexon Limo, LLC (hereinafter "applicant") with a mailing address of 132 Greenwood Street, New Haven, Connecticut 06511, seeks authorization to operate two (2) motor vehicles, having a seating capacity of ten (10) adults or less in general livery service between all points in Connecticut from a headquarters in the town of New Haven.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on June 6, 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-103. 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

Youssef Zaimsassi appeared pro se on behalf of the applicant. Mr. Zaimsassi's mailing address is 132 Greenwood Street, New Haven 06511.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in livery service from a headquarters in New Haven.

2. The applicant currently operates in interstate livery service with two Lincoln Town Cars, a 2005 sedan and a 2007 sedan. The applicant has been operating in interstate livery service for the past two years.

3. Many of the applicant's clients would like to utilize the applicant to go to Bradley International Airport and other Connecticut venues like the casino. At this time, the applicant is attempting to refer the intrastate work and is losing money in the process.

4. The applicant has three main drivers and a backup driver that it can use in the business. The applicant's brother, Hicham Zaimsassi, will be performing the office administration and occasional driving. Youseff Zaimsassi will be doing most of the driving. Joseph Rutledge drives occasionally but also performs information technology for the company.

5. The applicant estimates that it refers approximately three trips per day to other livery operators or ninety-one trips per month. The applicant is losing money and clients due to the referrals. There are times when the applicant cannot find another company to perform the intrastate transportation for its clients.

6. In addition to the airport trips, the applicant is also losing nights on the town, weddings and graduation trips.

7. The applicant has established a relationship with several corporate clients who want to use its livery service for intrastate trips to Connecticut airports such as Tweed New Haven and Bradley International Airport.

8. Mohamed Hanafi testified that he is a customer of the applicant and he would like to use their livery service to the airport but is unable to do so at this point.

9. Fred Thompson is a client of the applicant. He and his family need transportation to and from the Bradley International Airport. Mr. Thompson likes the punctuality and quality of customer care the applicant provides.

10. Sandra Villano wants to be able to utilize the applicant's livery service to Bradley Airport. She estimates her intrastate livery usage at six to ten trips a year.

11. Mourad Mourabit wants to use the applicant's livery service to pick up his mother at the airport because she can communicate with the applicant but does not speak English.

12. Mounir Jouhrani wants to utilize the applicant to transport various artists and performers from Morocco who are brought in to provide entertainment and can't speak English.

13. Rachid Ennaji testified that he uses the applicant's livery service and that it is a good service. He would like to have the applicant transport family members who cannot speak English.

14. The applicant will operate the office twenty-four hours a day.

15. The applicant provided the following annual financial information for expenses: fuel costs of \$9,640, maintenance costs of \$2,720, insurance costs of \$8,699 and an annual tax bill of \$348. The applicant has \$67,705 cash in the bank. The applicant has two Lincoln Town cars with a fair market value of \$22,270. The applicant has no debts in the name of the company.

16. This application was not opposed by any operator.

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 has presented evidence that it has no debt. The applicant's expenses include the following annual costs: fuel costs of \$9,640, maintenance costs of \$2,720, insurance costs of \$8,699 and an annual tax bill of \$348. The applicant has \$67,705 cash in the bank. The applicant has two Lincoln Town cars with a fair market value of \$22,270. The applicant has no debts in the name of the company. The applicant has more than sufficient assets to operate the intrastate livery service for the initial start-up period of six months. Based on the evidence presented, the applicant is financially suitable to operate the proposed business.

With regard to suitability, the applicant provided the requisite criminal conviction history forms for Youssef Zaimsassi which showed no criminal record. The applicant has been in interstate livery service for two years and appears to be operating in a successful manner. Based on the evidence presented, the applicant has proven its suitability to operate the proposed livery service.

The applicant also has to prove that public convenience and necessity would be improved by the proposed service. To that end, the applicant provided several witnesses who are current clients of the applicant who spoke about wanting to utilize the service for intrastate transportation to the Connecticut airport or casinos. The applicant has been referring all of this work, to the extent that it can, to other livery operators and has been losing money in the process. The applicant has been operating in interstate livery service for the past two years and has cultivated clients who want to use its service intrastate. Not having the ability to operate intrastate has hurt the applicant's current clients and the applicant's financial position.

There was also testimony concerning the convenience to some members of the public that the applicant's drivers speak the Moroccan language. This would be especially important when visitors from Morocco came to the United States and need to get transportation to and from the airport and their family members cannot pick them up. Having drivers that speak other languages is certainly a plus.

Taking all of the factors into consideration, the applicant will be approved to operate two (2) livery vehicles in intrastate livery service.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Lexon Limo, LLC hereby granted and Livery Permit Number 3264 is granted as follows:

LIVERY PERMIT NO. 3264
FOR THE OPERATION OF LIVERY SERVICE

Lexon Limo, LLC is hereby permitted and authorized to operate two (2) motor vehicles, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in New Haven.

RESTRICTIONS:

The applicant must register the two vehicles granted under this decision within thirty (30) days from the date of this decision.

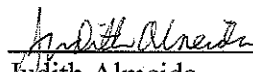
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

This permit shall remain in effect until revoked by the department. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other state statutes and/or the rules, regulations and orders of the department may from time to time prescribe thereunder.

A memorandum of this permit, bearing the seal of the department, shall be kept conspicuously posted in the motor vehicles operated under this permit.

Dated at Newington, Connecticut on this 28th day of June 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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