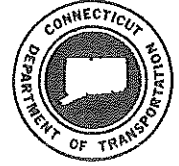


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

DOCKET NO. 1604-N-43-T

RE: APPLICATION OF LATIN EXPRESS, LLC TO OPERATE THREE (3)
MOTOR VEHICLES IN TAXICAB SERVICE WITHIN AND TO AND
FROM THE TOWNS OF WATERBURY, SOUTHLINGTON, CHESHIRE,
WATERTOWN, NAGATUCK, WOLCUTT, WOODBURY,
SOUTHBURY, MIDDLEBURY AND SEYMOUR.

DECISION

APRIL 11, 2017

I. INTRODUCTION

A. Applicant's Proposal

By application filed on April 15, 2016, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes, as amended, Latin Express LLC (hereinafter "applicant") with a mailing address of 40 Rose Street, 2nd floor, Waterbury, Connecticut 06710 seeks authorization to operate three (3) motor vehicles in taxicab service within and to and from the towns of Waterbury, Southington, Cheshire, Watertown, Naugatuck, Wolcott, Woodbury, Southbury, Middlebury and Seymour.

B. Hearing Held

Pursuant to Section 13b-97(a) of the Connecticut General Statutes, as amended, a public hearing on this application was held at the Department of Transportation in Newington, Connecticut on January 19, January 24, January 26, March 23, and April 6, 2017.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required by Section 13b-97(a) of the Connecticut General Statutes, as amended. Legal notice to the public was given by publication on the department's website.

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

C. Appearances

Manuel Vasquez, Luis Mizhquiri, Maria Mizhquiri and Carlos Mizhquiri appeared on behalf of the applicant. The applicant's mailing address is 40 Rose Street, 2nd floor, Waterbury, Connecticut 06710. The applicant was represented by Attorney W. Martyn Philpot, Jr. with a mailing address of 409 Orange Street, New Haven, Connecticut 06511.

Yellow Cab Co. of New London and Groton, Inc. dba Yellow Cab Co. petitioned for and was granted intervenor status for in Waterbury, Watertown and Naugatuck, the service area which overlaps the application. The intervenor was represented by Attorney Matthew Forrest with a mailing address of 72 Somerset Street, Wethersfield, Connecticut 06109.

The Waterbury Yellow Cab & Service Company, Inc. dba Yellow Cab Co. petitioned for and was also granted intervenor status in Waterbury, the service area that overlaps the application. This intervenor was also represented by Attorney Matthew Forrest with a mailing address of 72 Somerset Street, Wethersfield, Connecticut 06109.

D. Interpreter

Ramon H. Martinez, a translator with ABC Languages Services in Rocky Hill, performed the Spanish translation at the hearing. Mr. Martinez was screened by examination in 2015. He has translated in many courts in Connecticut including in criminal proceedings and trials. ABC Language Services has a mailing address of 1880 Silas Deane Highway, Suite 202, Rocky Hill, Connecticut 06067.

E. Administrative Notice

Administrative notice was taken of the certificates of The Waterbury Yellow Cab & Service Company dba Yellow Cab Co. (Certificate 107) which operates three (3) taxicabs in Southbury and twenty-seven (27) taxicabs in Waterbury, Watertown and Naugatuck and Yellow Cab Company of New London and Groton dba Yellow Cab Co (Certificate 68) which operates two (2) taxicabs in Waterbury.

II. FINDINGS OF FACT

1. The applicant seeks to operate three (3) taxicabs within and to and from Waterbury, Southington, Cheshire, Watertown, Naugatuck, Wolcott, Woodbury, Southbury, Middlebury and Seymour.
2. The applicant company members consist of four siblings, Luis Mizhquiri, Maria Mizhquiri, Carlos Mizhquiri and Manuel Vasquez.
3. The only member of the applicant company with any taxicab experience is Mr. Vasquez.
4. The applicant will operate a 2013 Nissan Sentra and a 2015 Jeep SUV. The applicant will also purchase a 2010 Ford Crown Victoria for the third vehicle.
5. After this application was filed, Mr. Vasquez acted gypsy cab performing illegal taxicab service. Mr. Vasquez charged Mr. Seeley, a witness in this matter, \$6 for five to seven taxicab trips without proper authorization.
6. There is no plan by the applicant to add additional drivers beyond the four members.
7. The applicant does not have enough drivers to operate three (3) taxicabs at full vehicle utilization.
8. The applicant's first six months of expenses includes insurance costs of \$9,180, marketing costs of \$1,000, maintenance costs of \$3,600, property tax of \$1,245, vehicle financing of \$3,823, cost to equip three taxis of \$3,525, office expenses of \$400 and telephone and

communication costs of \$1,800 for a total expense of \$24,573.

9. The applicant has \$36,222 in a TD bank account.
10. The applicant cannot effectively operate three (3) taxicabs in a ten town service area and maintain a twenty minute response time due to its large geographical size.
11. The applicant will utilize the same type of vehicles in taxicab service that are currently used in the area.
12. No evidence was presented for taxicab need in Southington, Cheshire, Watertown, Naugatuck, Wolcott, Woodbury, Southbury, Middlebury and Seymour.
13. Darwin Gonzolez worked with Manuel Vasquez and has known him for ten years. While he complained about taxicab service in the area, the phone number Mr. Gonzolez used to access that service was not that of a taxicab company.
14. Jose Uchu has known the members for thirty years. He has limited taxicab experience and has only called for a taxicab one time.
15. Prissila Lojano is a friend of both Mr. and Mrs. Vasquez.
16. Jose Enrique Uchu is the son of Jose Uchu another witness who testified in this case. Maria Mizhquiri told him to come testify in this matter.
17. Celerino Ojeda is a friend of Luis Mizhquiri who testified about his good character. Mr. Ojeda uses friends for rides and doesn't hire taxicabs.
18. Simon Lema took a taxi one time. He doesn't usually use a taxi because he drives and his wife gets rides with friends and family. Mr. Lema is friends with Luis Mishquiri.
19. The majority of the applicant's witnesses are friends of the applicant company members and were requested to come to the hearing either the day before or the day of the hearing. Several of the witnesses don't even use taxi service.
20. Mr. Vasquez filed for bankruptcy in 2008 and a credit card company is trying to enforce a judgement against him.
21. The population in the towns of Waterbury, Naugatuck and Watertown is decreasing.
22. Luis Mizhquiri is the member responsible for the financials in the applicant company. He has no experience operating a taxicab company in Connecticut or in keeping financial records for a company. Since 2006 he has been in three motor vehicle accidents including one in which he

pled guilty as a result of a motor vehicle accident.

23. The applicant's goal is to provide taxicab service within twenty (20) minutes.

24. The applicant's plan to operate two taxicabs in the day time (8AM-4PM) and one at night (4PM to 7AM).

25. There is pending litigation filed in 2016 against Maria Mizhquiri for a hitting a pedestrian with her car in 2014. Ms. Mizhquiri denied the litigation was ongoing although it is still pending.

26. Maria Mizhquiri will provide dispatch while the other three members will do the driving.

27. The average wait time in the intervenors taxicab service area is 6 minutes.

III. DEPARTMENT ANALYSIS

The Department of Transportation has jurisdiction over common carriers, which include each person, association, limited liability company or corporation owning or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended. The Department is authorized to prescribe regulations with respect to fares, service, operation and equipment, as it deems necessary for the convenience, protection and safety of the passengers and the public.

Pursuant to Section 13b-97(a), as amended, any person who applies for authority to operate a taxicab shall obtain from the Department a certificate of public convenience and necessity certifying that the public's convenience and necessity requires the operation of a taxicab or taxicabs for the transportation of passengers. No certificate shall be issued unless the department finds that the person is suitable to operate a taxicab service. In so doing, the department must take into consideration any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations, the number of taxicabs to be operated under the certificate, the adequacy of the applicant's financial resources to operate the service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

With regard to suitability, the applicant submitted State Police Bureau of Identification Criminal History Forms for the four members. The criminal record checks reflect an arrest of Manuel Vasquez from 1989 for entering the United States illegally which will not be considered due to its age.

However, several other serious issues which reflect on suitability of the applicant were exposed at the hearing. One of the issues is that Mr. Vasquez is operating an illegal gypsy cab

service. Mr. Seeley testified that he has received several recent taxi trips from Mr. Vasquez already acting as Latin Express and he paid him \$6 for each ride. This transportation occurred after this application was filed in April 2016 and after Mr. Vasquez knew that he had to get a certificate to operate in taxicab service in Connecticut.

Operating a taxicab illegally shows a lack of willingness to abide by the rules and regulations pursuant to Regulations of Connecticut State Agencies Section 13b-96-10(b)(4). When asked about charging Mr. Seeley for the transportation, Mr. Vasquez denied that it occurred. Mr. Vasquez's testimony about this issue lacks credibility.

Another suitability concern is that Mr. Vasquez filed for bankruptcy in 2008. When questioned about this matter, he claimed not to know that one of his credit card companies was in court attempting to get a judgement against him and in addition, he did not know the amount he owed to that company. Mr. Vasquez inability to get his financial affairs in order reflects negatively on his business acumen to operate this taxicab service as required under Regulation of Connecticut State agencies Section 13b-96-10(b)(1).

Luis Mizhquiri was identified as the member who is to perform the financial tasks. During the questioning on the financials, Mr. Mizhquiri could not provide details on how various expenses were derived. In addition, his motor driving record is less than desirable having three accidents since 2006, one of which was a vehicular hit and run for which he pled guilty.

Finally, Maria Mizhquiri also has a pending lawsuit against her from a 2014 accident when her vehicle struck a pedestrian. Ms. Mizhquiri denied that the pending litigation was ongoing which either shows a lack of credibility or a complete lack of awareness regarding her own financial affairs. She also had several other motor vehicle accidents.

Based on this combined evidence presented on the applicant member's suitability, the applicant members are found to not suitable to be granted taxicab authority.

As far as the applicant's financial ability is concerned, the applicant presented evidence that the applicant's first six months of expenses includes insurance of \$9,180, marketing costs of \$1,000, maintenance of \$3,600, property tax of \$1,245, vehicle financing of \$3,823, cost to equip three taxicabs of \$3,525, offices expenses of \$400 and telephone and communication of \$1,800 for a total expense of \$24,573. The applicant has \$36,222 in a TD bank account which is more than sufficient to cover the startup costs resulting in financial suitability.

Another issue to be addressed is that the number of qualified operators proposed by the applicant. Three drivers is not sufficient to operate the three proposed vehicles in full vehicle utilization. The applicant will not hire any additional drivers but will rotate the driving between the three brothers and the dispatching will be done by Maria Mizhquiri. The members propose to only operate two vehicles during the day and one at night. With this schedule, they are not operating to full vehicle capacity which would be all three vehicles operating over the twenty-

four hour period.

As far as public convenience and necessity is concerned the applicant has requested to operate three (3) taxicabs in a ten town territory. To prove need for the service there must be evidence shown for each town requested. It is not merely enough to just ask to operate in a town; you must prove need in that town. For this reason, nine of the ten towns requested in the application will not be considered in the analysis as the witnesses only addressed taxicab service in the town of Waterbury.

Regarding the testimony of the witnesses on the taxicab need in Waterbury, at least two witnesses only called a taxicab once and several others had very limited taxicab experience because they either drove or preferred getting rides with friends and family. One of the witnesses was not even calling a taxicab company when he was trying to access service.

There is also a credibility issue in that most of the witnesses were friends of one or more of the members. They each testified that they were requested to appear either the day of their testimony or the day before. As friends of the applicant members, the witnesses clearly have an interest in the outcome of the hearing.

Regarding the intervenor's evidence in this matter, the population in three of the overlapping towns, Waterbury, Watertown and Naugatuck, is declining. In addition, there was no evidence presented that there was a difference between the type of service offered by the applicant and the service already offered in Waterbury.

The applicant reported that its service would be different than that currently offered because it would have a shorter wait time. The intervenor has a six minute wait time in its service area whereas the applicant is striving for a twenty minute response time.

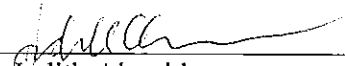
In considering the evidence of need, there was simply no substantive evidence presented that additional taxicab service is needed in Waterbury. Based on the above, the applicant has failed to prove that public convenience and necessity requires a grant of this application or that the applicant is suitable to perform this service or that there are a sufficient number of qualified operators to operate the three (3) vehicles proposed.

IV. CONCLUSION

Therefore, based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application of Latin Express, LLC is hereby denied.

Dated at Newington, Connecticut on this 11th day of April 2017.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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