

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

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DOCKET NO. 1906-N-79-L

RE: APPLICATION OF OPAL STORK HOME CARE, LLC TO OPERATE TWO (2) GENERAL LIVERY VEHICLES, WITH A SEATING CAPACITY OF LESS THAN ELEVEN PASSENGERS, FROM A HEADQUARTERS IN WEST HAVEN.

DECISION

OCTOBER 11, 2019

I. INTRODUCTION

A. APPLICATION

By application filed on June 13, 2019, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Opal Stork Home Care, LLC (hereinafter "applicant") with a mailing address of 341 Main Street, West Haven, CT 06516 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in West Haven.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on September 26, 2019.

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 Connecticut General Statutes Section 13b-103, as amended. 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

Sandra Salmon appeared on behalf of the applicant. The applicant was represented by Attorney Larry Greenburg. His mailing address is 142 Temple Street, Floor 2, New Haven, CT 06510.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in general livery service from a headquarters in West Haven.
2. Ms. Salmon operates a home care agency and is a nurse with the veterans Administration. Her company specializes in geriatric home care.
3. The applicant will operate out of an office it shares with the home care business.
4. Ms. Salmon has a support staff in place to handle the livery operation.
5. The applicant will operate two (2) MV-1 wheelchair accessible vans.

6. The applicant has \$43,542 in a TD bank account.
7. The applicant's first six months of expenses includes insurance of \$6,909, vehicle financing of \$14,762, maintenance costs of \$1,548 and property tax of \$828.
8. The applicant has two drivers who have public service licenses who will be driving the vans.
9. The applicant is also seeking to perform work for Veyo. Anthony Freeman, Provider Operations Coordinator, for Veyo came to support the applicant due to the need for wheelchair accessible vehicles.
10. The applicant will service New Haven, Fairfield and Litchfield County.
11. This application was is not opposed.

III. DISCUSSION

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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Sandra Salmon, which showed no criminal record. Ms. Salmon has been a nurse for many years and she also operates a home care business. She has retained experienced drivers to provide the transportation. Based on the evidence presented, the applicant has the necessary suitability to have this application granted.

As far as the applicant's financial ability is concerned the applicant presented evidence that insurance of \$6,909, vehicle financing of \$14,762, maintenance costs of \$1,548 and property tax of \$828 for a total expense of \$24,047. The applicant has \$43,542 in the bank, which is sufficient to cover these costs and therefore the applicant is financially suitable.

On the issue of public convenience and necessity, the applicant presented Anthony Freeman from Veyo. Veyo will be using the applicant for calls it cannot send its other providers. Veyo has a need to have wheelchair accessible vehicles for its clients. Ms. Salmon also has made contact with several facilities who have a need for patient transport in addition to her own clients who may need transportation. Based on all of the evidence presented, the applicant has shown public convenience will be improved by a grant of this application.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application of Opal Stork Home Care, LLC is hereby granted and Livery Permit Number 3675 is hereby issued as follows:

LIVERY PERMIT NUMBER 3675

Opal Stork Home Care, LLC is hereby permitted to operate two (2) motor vehicles, having a seating capacity of less than eleven passengers, in general livery service from a headquarters in West Haven.

RESTRICTIONS:

The applicant must register and insure the two (2) vehicles granted in this permit within ninety (90) days. Failure to do so may result in revocation of the authority.

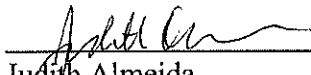
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

This permit shall remain in effect until it is amended, suspended or 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 rules, regulations and orders of the department shall be considered sufficient cause to amend, suspend or revoke said permit.

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

Dated at Newington, Connecticut on the 11th day of October 2019.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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