

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 1908-N-101-L

RE: APPLICATION OF LOVE AND CARING HOMECARE AGENCY, LLC  
TO OPERATE TWO (2) GENERAL LIVERY VEHICLES, WITH A  
SEATING CAPACITY OF LESS THAN ELEVEN PASSENGERS,  
FROM A HEADQUARTERS IN WINDSOR.

DECISION

NOVEMBER 18, 2019

## I. INTRODUCTION

### A. APPLICATION

By application filed on August 29, 2019, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Love and Caring Homecare Agency, LLC (hereinafter "applicant") with a mailing address of 340 Broad Street, Suite 310, Windsor, CT 06095 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 Windsor.

### B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on November 14, 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

Charlotte Darko appeared pro se on behalf of the applicant. The applicant's mailing address is 340 Broad Street, Suite 310, Windsor, CT 06095.

## II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in general livery service from a headquarters in Windsor.
2. The applicant will operate a 2015 Toyota minivan and a 2018 Ford wagon. Both vehicles are financed and handicapped accessible.
3. The applicant has operated a home health care agency for the past ten years. She has over a hundred clients and a staff of over a hundred people.
4. The applicants has contracts with DSS for home care and may seek contracts for transportation. In addition, the applicant will perform private pay livery work.

5. The applicant's home care clients are not adequately being serviced by the local livery providers who are leaving some stranded without rides.

6. The applicant has \$70,071 in a bank account.

7. The applicant's first six months of expenses includes insurance of \$5,300, maintenance costs of \$3,588, advertising costs of \$1,800, office rent of \$3,201, communication costs of \$1,800, vehicle financing of \$16,637 and property tax of \$468.

8. The applicant is a Certified Nursing Assistant.

9. The applicant will be hiring people to drive the two (2) vehicles.

10. This application was 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 Charlotte Darko, which showed no criminal record. Ms. Darko operates her own home health agency and has transported clients unable to get rides. 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 for the first six months of expenses, which shows insurance costs of \$5,300, maintenance costs of \$3,588, advertising costs of \$1,800, office rent of \$3,201, communication costs of \$1,800, vehicle financing of \$16,637 and property tax of \$468 for a total expense of \$32,794. The applicant has \$70,071 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 evidence that her home health care clients need good livery service and they are often left without transportation. In addition, she may also enter into contracts with the state or brokers to provide transportation to their clients. 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 Love and Caring Homecare Agency, LLC is hereby granted and Livery Permit Number 3682 is hereby issued as follows:

#### **LIVERY PERMIT NUMBER 3682**

Love and Caring Homecare Agency, 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 Windsor.

#### **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 this authority.**

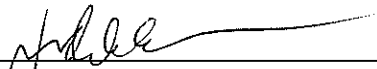
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

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 18<sup>th</sup> day of October 2019.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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