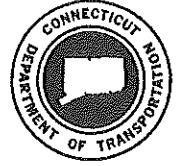




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1504-N-42-L

RE: APPLICATION OF MAHMOOD EJAZ DBA ALLIED LIVERY SERVICES TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN ENFIELD.

FINAL DECISION

FEBRUARY 5, 2016

I. INTRODUCTION

A. General

By application filed on April 21, 2015, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Mahmood Ejaz dba Allied Livery Services ("applicant") with a mailing address of 45 Foxcroft Road, Enfield, Connecticut 06082 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Enfield.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on January 21, 2016 and February 3, 2016.

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

Mahmood Ejaz appeared on behalf of the applicant. The applicant's mailing address is 45 Foxcroft Road, Enfield, Connecticut 06082. The applicant was represented by Michael Stone, Esq. with a mailing address of 129 Church Street, Suite 806, New Haven, Connecticut 06510.

Attorney Morgan Rueckert appeared on behalf of Allied Rehabilitation Centers, Inc. which filed for intervenor status on the grounds that the applicant's name is too close to their name which may cause the public confusion. The applicant has agreed to voluntarily change its name, if it receives livery authority.

Intervenor status was denied to Allied Rehabilitation Centers, Inc. on the grounds that it only opposed the application due to name similarity and because it has a restricted livery permit limited to transport only the elderly and handicapped individuals and not the general livery authority the applicant is seeking. Attorney Rueckert's mailing address is Shipman and Goodwin, One Constitution Plaza, Hartford, Connecticut 06103.

II. FINDING OF FACTS

1. The applicant seeks to operate one (1) vehicle in intrastate livery service from a headquarters in Enfield.

2. The applicant currently works as a taxicab driver and has done so for over twenty years during which time he has developed an extensive customer base including many insurance executives who would prefer livery service over taxi service.

3. The applicant is seeking to utilize a 2008 Lincoln Town Car sedan for the livery service.

4. The applicant's assets include cash of \$6,642 and a whole life insurance policy which has a cash surrender value of \$19,986.

5. The applicant has annual expenses which include repairs and maintenance of \$1,800, an insurance premium of \$5,800, property tax of \$360, business cards of \$150, cell phones of \$2,400 and advertising of \$600. The six month total for the applicant's expenses is \$5,555.

6. The applicant submitted a clean criminal record check for Mahmood Ejaz.

7. Shabbir Qureshi is a customer of the applicant. He uses the applicant's taxi to drive him to various job assignments for his employment as a substitute teacher. Mr. Qureshi is aware that the applicant is seeking to offer livery service which is a premium transportation service and he is willing to pay the upcharge. He estimates using the applicant's service around twelve times a month.

8. Cassandra Wightwood is also a customer of the applicant approximately four to seven times a month. She works at a donut shop and uses the applicant to transport herself and her daughter after work. She likes the fact that the applicant's livery service will have more insurance than when he was driving a taxi. She understands livery service is a higher end service than taxi and feels it is worth paying the difference.

9. Mr. Agha Ejaz is the owner of Airport Limo, LLC. which operates two livery vehicles out of a headquarters in East Windsor. He testified that he will refer his approximately ten livery overflow trips per week to the applicant. He currently sends his livery work to the applicant's taxi service but his customers would prefer a livery vehicle.

10. Mr. Aamar Paracha owns Bradley Livery which is headquartered in Bloomfield. Mr. Paracha will refer several livery trips a week to the applicant.

11. Mr. Ejaz's wife will provide office support and book reservations for the livery business while he is acting as a driver.

12. There was no opposition to this application.

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.

Some factors to consider in granting a livery permit are whether the service will benefit the relevant class of users, whether the proposed service is more efficient, more economical, more convenient, more satisfactory, or different than the services offered by the existing service providers, whether the new service would create a potentially beneficial effect upon rates and customer service and whether the acquisition of equipment would be more suitable to customer needs, whether the population in the area that the applicant proposes to service is increasing, whether potential customers have requested a service like that suggested by the applicant and whether the proposed service will improve the existing mode of transportation as recently defined in Steve Martorelli v. Department of Transportation (SC19307).

In support of financial wherewithal, the applicant presented evidence that he has assets that include a cash balance of \$6,642 and a whole life insurance policy which has a cash surrender value of \$19,986. The applicant has annual expenses for repairs and maintenance of \$1,800, an insurance premium of \$5,800, property tax of \$360, business card expenses of \$150, a cell phone expense of \$2,400 and advertising expenses of \$600. The six month total for the applicant's expenses is \$5,555 which can be covered by the applicant's cash on hand thereby relieving the applicant of having to remove money from his whole life insurance policy. Based on the evidence presented, the applicant has proven the financial suitability to operate this proposed livery service.

With regard to suitability, the applicant provided the requisite criminal conviction history for Mr. Mahmood Ejaz which showed no criminal convictions. The applicant has extensive experience driving a taxicab which will serve him well in his operation of his own livery service. In addition, Mr. Ejaz's wife will be handling the office work so he can act as a driver for one vehicle. The applicant has proven the required suitability to be granted a livery permit.

The applicant must also prove public convenience and necessity to be granted an intrastate livery permit. In that regard, the applicant presented two witnesses in support of its application who will utilize the applicant's service for transportation. While the two witnesses are current customers of the applicant's taxi service, both readily testified that they will pay the up charge to continue utilizing the applicant as their driver.

The applicant also produced two letters of support from two livery operators whom he knows would refer his company work. The letters were dated from some time ago and were not notarized, so they were of little value in this analysis. Luckily, the applicant also presented the testimony of these livery operators who will refer livery trips to him which they are unable to perform. The applicant currently helps these livery companies by transporting their clients in his taxicab when they are unable to provide transportation. These clients, however, would much rather take a livery vehicle instead of the applicant's taxi. The applicant's livery service will improve public convenience and necessity by having a professional, experienced driver such as the applicant operate his own livery service.

Based on the evidence presented, the applicant has proven the required elements to be granted a livery permit.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Mahmood Ejaz dba Allied Livery Services is hereby granted and Livery Permit Number 3520 is issued as follows:

LIVERY PERMIT NO. 3520 FOR THE OPERATION OF LIVERY SERVICE

Mahmood Ejaz dba Allied Livery Services is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in Enfield.

RESTRICTIONS:

~~The applicant must register the one (1) vehicle granted under this decision within thirty (30) days from the date of this final 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 thereunder for not less than twenty-four (24) months.

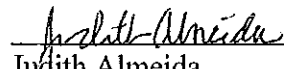
This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months.

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 this 5th day of February 2016.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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