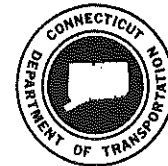


STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 2109-AV-81-L

RE: APPLICATION OF MARK HAMEL DBA MERCY TRANSPORTATION GROUP TO OPERATE TWO (2) ADDITIONAL MOTOR VEHICLES IN GENERAL LIVERY SERVICE, WITH A SEATING CAPACITY OF LESS THAN ELEVEN PASSENGERS, FROM A HEADQUARTERS IN SPRAGUE.

DECISION

NOVEMBER 9, 2021

## I. INTRODUCTION

### A. APPLICATION

By application filed on September 16, 2021, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Mark Hamel dba Mercy Transportation Group (hereinafter "applicant") with a mailing address of 186A Main Street, Baltic, Connecticut 06330 seeks authorization to operate two (2) additional motor vehicles, having a seating capacity of less than eleven (11) passengers, in general livery service from a headquarters in Sprague for a total of five (5) vehicles.

### B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing by telephone was held on this application on October 28, 2021.

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

Mark Hamel and Jose Medina appeared pro se on behalf of the applicant. The applicant's mailing address is 186A Main Street, Baltic, Connecticut 06330.

Amber Copeland, Provider Operations Coordinator for Veyo, testified in support of the application.

### D. FILING AS A SOLE PROPRIETER

While the applicant was originally an LLC with Mark Hamel and Jose Medina as its members, the company has been re-entitled as a sole proprietorship. Mark Hamel is recognized by the department as the owner of the business. During the hearing Jose Medina stated that he is a co-owner of the business. As it stands, Mr. Medina would need to have a Power of Attorney to do business with the department.

## II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor additional motor vehicles in general livery service from a headquarters in Sprague.
2. The applicant will operate a 2008 Chevy Impala and a 2010 Chevy Malibu in the livery business.
3. The applicant's first six months of expenses includes insurance costs of \$4,664, maintenance costs of \$480, communication costs of \$342, advertising costs of \$45 and property tax of \$147.
4. The applicant has \$11,734 in a business bank account.
5. The applicant will work from a home office.
6. The applicant performs work for Veyo, has various school contracts to provide transportation and performs some private pay livery transportation.
7. The applicant has been in the livery business since May 2021.
8. The applicant has three (3) drivers for the additional livery vehicles.
9. Veyo had a decline in providers in some areas due to companies going out of business.
10. Veyo is sending providers into other regions to cover the trips.
11. The applicant performs a good reliable livery service.
12. Veyo can send the applicant an additional sixty (60) to seventy (70) livery trips a day.
13. The applicant is refusing livery trip requests.
14. 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 Mark Hamel, which disclosed no criminal record. The applicant has been operating successfully in livery service since May of this year. Based on the evidence presented, the applicant is suitable to conduct the proposed intrastate livery business.

As far as the applicant's financial ability is concerned, the applicant presented evidence that the first six months of expenses includes: insurance costs of \$4,664, maintenance costs of \$480, communication costs of \$342, advertising costs of \$45 and property tax of \$147 for a total expense of \$5,678. The applicant has \$11,734 in the business bank account to cover the startup costs. The applicant is financially suitable.

On the issue of public convenience and necessity, the applicant is currently working under school contracts and for Veyo in addition to some private pay work. The applicant is actively refusing some trips due to its vehicles being busy. Based on the evidence presented, the applicant will receive additional authorization for intrastate livery transportation.

#### IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application in the name of Mark Hamel dba Mercy Transportation Group is hereby granted, and Livery Permit Number 3706 is hereby reissued as follows:

#### **LIVERY PERMIT NUMBER 3706**

Mark Hamel dba Mercy Transportation Group is authorized to operate five (5) motor vehicles in general livery service, with a seating capacity of less than eleven passengers, from a headquarters in Sprague.

**RESTRICTIONS:**

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

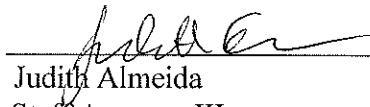
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

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 9th day of November 2021.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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