

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0812-N-191-L

RE: APPLICATION OF A & M TRANSPORTATION, LLC TO OPERATE THREE (3) MOTOR VEHICLES, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN, ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN DANBURY.

FINAL DECISION

September 3, 2009

I. INTRODUCTION

A. Application

By application filed on December 15, 2008 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103(a) of the Connecticut General Statutes, as amended, A & M Transportation, LLC (hereinafter "applicant") located at 8 Kevin Drive, Danbury, Connecticut seeks authorization to operate three (3) motor vehicles, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in Danbury, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), as amended, a public hearing on this application was held on August 4, 2009.

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 General Statutes Section 13b-103(a)(1), as amended. Notice to the public was given by publication on the department's website at www.ct.gov/dot.

A hearing officer designated by the Commissioner, pursuant to Connecticut General Statutes Section 13b-17 conducted the hearing on this matter.

C. Appearances

Wassim Ayash and Sofia Maykowsky appeared on behalf of the applicant unrepresented by counsel. Ayash and Maykowsky are members of the applicant company. The applicant's mailing address is 8 Kevin Drive, Danbury, Connecticut.

Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit, attended the hearing.

No opposition was presented to the application.

II. FINDINGS OF FACT

1. The applicant was established in 1999 and began providing interstate livery service under Permit No. 2753. The company currently operates six vehicles and provides interstate livery service for an established clientele, in addition to new clients.

2. Over the last few years, the applicant has received many phone calls for intrastate service, as many more people are trying to travel to and from local train stations and local airports. The applicant's clients are also calling for transportation for local nights on the town.

3. The applicant has referred local trips to other companies who hold intrastate livery authority, but who cannot be relied upon to provide good service.

4. The applicant's management has no criminal record. The applicant received a citation in 2001 that was disposed of by civil penalty. While the applicant has not received a citation in the recent past, it referred a local call to a company who had intrastate livery service and who failed to pick up the client. The applicant picked up the client because the client was stranded. That is one reason that they seek intrastate authority.

5. The applicant receives twenty to thirty calls for local service per week. There have been requests for weddings and rides to Connecticut casinos that the applicant cannot provide without intrastate livery authority.

6. The applicant will not incur significant expense if it receives intrastate authority since it is in business already.

7. The applicant provided proof of cash in the amount of \$30,902, long term liabilities of \$80,675 and total assets in the amount of \$910,575.

8. The applicant holds insurance for all six vehicles at a cost of \$21,307, which the applicant pays monthly.

9. Richard Rasamny is a part time driver for the applicant company and has been with the company for approximately two years. He is a fitness instructor in the mornings. He recommends the company to gym members, who have made requests through him for local trips to Greenwich or the casinos in Connecticut, which the company cannot provide.

10. Many of the clients that Rasamny drives have been long term clients who, while they use the applicant for interstate travel, request local trips for themselves and their families.

11. Barry J. Connell has known the applicant's owners for fifteen years and he is aware of their company – they purchase fuel from Connell and have stored vehicles at his business location. He has used the applicant's service and seeks to use it intrastate, as do many of his customers.

12. Thomas Babcock has known Ayash for the past seven years through the Lion's Club and finds him to be reliable and of good character. He was approached by Ayash to go into sales for the company, which he has done. As such, he has received many inquiries about intrastate service by the applicant. The potential clients that Babcock has spoken to are looking for intrastate livery service.

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 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 General Statutes Section 13b-103.

In support of suitability, the applicant provided the requisite criminal conviction history form for the two owners of the company, Wassim Ayash and Sofia Maykowsky, neither of whom have a criminal history. The company has been in business for the past ten years, with only one citation, which was issued in 2001. There was an incident, recently, where an interstate livery client changed his flight from a New York airport to Bradley International Airport. The applicant referred the call to a local company who held intrastate authority and that company did not show up to pick up the client. The applicant completed that job, and because it did not have authority to do so, the applicant decided to submit this application. The applicant has proven that it has the suitability to operate the proposed service.

In support of financial wherewithal, the applicant provided a partner's balance sheet and the applicant's balance sheet, dated July 31, 2009, showing the financial status of both. The applicant has sufficient assets to operate the proposed service and the owners have sufficient assets to use in the event they are needed for the company. The applicant already operates six vehicles in interstate livery service, so that the conversion of three of those cars to intrastate livery service will be of little financial burden for the applicant.

The applicant's management Ayash and Maykowsky, and their supporting witnesses, testified that one of the reasons the company was applying for intrastate livery authority was because more people are requesting intrastate service more frequently. More people are travelling from Connecticut airports and are socializing within Connecticut. The applicant has been in business for ten years and it is reasonable to conclude that its clients would want to use the company for their intrastate livery needs.

IV. CONCLUSIONS OF LAW

Based on the above, the applicant has provided substantial evidence to show that it has the financial wherewithal to operate the proposed service, it has the suitability to operate the proposed service and that the public convenience and necessity will be improved by the proposed service in accordance with Connecticut General Statutes Section 13b-103(b).

V. ORDER

The application of A & M Transportation, LLC is hereby approved and livery Permit Number 2753, standing in the name of A & M Transportation, LLC, is hereby amended and reissued as follows:

LIVERY PERMIT NO. 2753 FOR THE OPERATION OF LIVERY SERVICE

A & M Transportation, LLC, is hereby permitted and authorized to operate three (3) motor vehicles having a seating capacity of less than ten (10) adults, in GENERAL LIVERY SERVICE, between all points in Connecticut from a headquarters in Danbury.

A & M Transportation, LLC is further permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operations, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-356434.

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

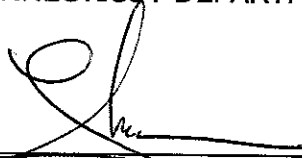
This Permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department shall be considered sufficient cause to amend, suspend or revoke this Permit.

This Permit is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the State of Connecticut, and with such rules, regulations and orders as this Department may from time to time prescribe.

A memorandum of this Permit, bearing the seal of the Department, shall be kept conspicuously posted in the motor vehicles operated under this Permit.

Dated at Newington, Connecticut, this the 3rd day of September 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration