

File

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0610-N-94-L

RE: APPLICATION OF PESOK HOLDINGS, LLC D.B.A. STRATFORD LIMOUSINE SERVICE TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN STRATFORD.

FINAL DECISION

January 29, 2008

I. INTRODUCTION

A. General

By application filed on October 10, 2006 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Pesok Holdings, LLC d.b.a. Stratford Limousine Service (hereinafter "applicant"), with a mailing address of 105 Springview Avenue, Stratford, Connecticut 06614, seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in the town of Stratford.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on May 30, 2007 and December 11, 2007.

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 in the Connecticut Post, a newspaper having a circulation in the area of concern.

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

C. Appearances

Nitza and Jamie Pesok appeared pro se on behalf of Pesok Holdings, LLC d.b.a. Stratford Limousine Service located at 105 Springview Avenue, Stratford, Connecticut 06614.

II. FINDINGS OF FACT

1. The applicant received interstate livery authority in July 2005. The applicant operates one vehicle under this authority.
2. The applicant owns a 2006 Cadillac DTS and a 2007 Kia Sedona. The Cadillac is utilized in the livery business.
3. After the application hearing started the applicant had a citation hearing with the Department which resulted in a small civil penalty. This civil penalty has been paid.
4. The applicant will pay \$6,264 for insurance for the two vehicles the applicant owns, a Cadillac sedan and a Kia Sedona van.
5. The fair market value of the Cadillac is \$42,790 while the fair market value of the Kia Sedona is \$26,920.

6. The applicant has cash in the bank totaling \$5,981.
7. The applicant's business sometimes operates with a loss. To supplement the business, the owners use their individual income. Mr. Pesok receives \$355 a week for disability compensation while Mrs. Pesok receives \$1,221 a month pension. Mrs. Pesok also is employed and received wages in 2006 of \$43,558.
8. The applicants presented the testimony of Yaacov Choucrun, in support of their application. Mr. Choucrun is a customer of the applicant and he owns a drywall company. He would like to be able to utilize the applicant to bring investors to job sites four to five times a month. He works in Connecticut, Massachusetts, New York and Rhode Island. His clients like the services the applicant offers and they request it for driving services around the state and to Bradley Airport.
9. The applicant gets requests for trips to Bradley International Airport and the casinos. The applicant gets approximately ten requests per month for instate trips.

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.

In support of financial wherewithal, the applicant provided various statements which show a bank balance of \$5,981. The applicant owns two vehicles, both of which are financed. The fair market value of the Cadillac is \$42,790 while the fair market value of the Kia Sedona is \$26,920. The applicant will pay \$6,264 for insurance for the two vehicles.

To supplement the business, the owners use their individual income. Mr. Pesok receives \$355 a week for disability compensation while Mrs. Pesok receives \$1,221 a month pension. Mrs. Pesok also is employed and received wages in 2006 of \$43,558. Since the applicant already operates in interstate livery service, it would require no additional financial expenditures to expand its service to intrastate livery service. The applicant has proven that it has the requisite financial security to handle the expanded business.

With regard to suitability, the applicant provided the requisite criminal conviction history forms for both Nitza and Jamie Pesok which showed no convictions. Outside of the one citation hearing that was held during this hearing, the applicant has had no other problems with the

Department. However, the applicant has had difficulty preparing its financial records correctly for the hearing. Therefore, as a condition to a grant of authority the applicant is required to hire an outside accountant to process its taxes and financial statements for the next two years. The Department will be periodically reviewing the financial information.

The applicant must also show that public convenience would be improved by the service for the livery authority to be granted. The applicant produced the testimony of one of its customers who said that he would like to utilize the applicant to drive his customers to job sites approximately four to five times a month.

Mr. Pesok testified that he gets approximately ten requests for intrastate livery service per month. Based on the evidence presented, the expansion of the applicant's business would improve public convenience and necessity.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Pesok Holdings, LLC d.b.a Stratford Limousine Service is hereby granted and permit number 3040 is hereby reissued as follows:

LIVERY PERMIT NO. 3040 FOR THE OPERATION OF LIVERY SERVICE

Pesok Holdings LLC d.b.a Stratford Limousine Service is hereby permitted and authorized to operate one (1) motor vehicle having a seating capacity of less than ten (10) adults in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Stratford.

Pesok Holdings LLC d.b.a. Stratford Limousine Service 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 Number MC526574.

Conditions:

As a condition to a grant of authority the applicant is required to hire an outside accountant to process its taxes and financial statements for the next two years from the date of this decision. The Department will be periodically reviewing the financial statements and tax returns.

The applicant must register a motor vehicle pursuant to this grant of authority within thirty (30) days from the date of this decision.

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

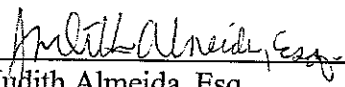
This permit shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other State statutes and/or the rules, regulations and orders of the Department shall be considered 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 on this the 29th day of January 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida, Esq.
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Administrative Law Unit
Bureau of Finance and Administration