



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 0906-N-49-L

RE: APPLICATION OF MUSTAPHA KARIM D.B.A. LX LIMOUSINE, LLC.
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 WALLINGFORD.

FINAL DECISION

August 31, 2009

I. INTRODUCTION

A. General

By application filed on June 16, 2009, with the Department of Transportation (hereinafter "Department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, LX Limousine, LLC. (hereinafter "applicant"), with a mailing address of 43 Spice Hill Drive, Wallingford, Connecticut, 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 Wallingford.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on August 14, 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 the Connecticut General Statutes Section 13b-103.

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

C. Appearances

Mustapha Karim appeared pro se on behalf of the applicant. The applicant's address is 43 Spice Hill Drive, Wallingford, Connecticut.

Richard Saks appeared pro se on behalf of Liberty Limousine, LLC. Liberty Limousine has a mailing address of 24 Gravel Street, Meriden, Connecticut.

William Scalzi appeared pro se on behalf of Transportation General d.b.a. Metro Taxi. Metro Taxi has a mailing address of P.O. Box 26094, West Haven, Connecticut.

Sheldon Lubin, a member of Department staff, was present at the hearing.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in livery service from a headquarters in Wallingford.
2. The applicant has held interstate livery authorization for one year.
3. The applicant pays an annual cost of \$7,836 to insure its vehicle.
4. The applicant has a net worth of \$168,550.

5. The applicant has a loan balance of \$17,519 on one vehicle that has a fair market value of \$25,600. The applicant's second vehicle has a loan balance of \$6,666 and has a fair market value of \$15,445.

6. The applicant's bank statement shows a balance of \$3,825 in one account and \$3,207 in another account.

7. The applicant has \$135,000 in equity in his home.

8. Mr. Karim and his son will be driving the livery vehicle.

9. Mr. Mike Casale, a bellman with the Omni Hotel, supports the applicant. Mr. Casale only has problems getting livery service four to five times a year.

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 financial information that shows that the applicant has a net worth of \$168,550. The applicant will pay an annual cost of \$7,836 to insure its vehicles. The applicant has a loan balance of \$17,519 on one vehicle and the fair market value of the vehicle is \$25,600. The applicant's second vehicle has a loan balance of \$6,666 and a fair market value of \$15,445. The applicant's bank statement shows a balance of \$3,825 in one account and \$3,207 in another account. The applicant has \$135,000 in equity in his home. Based on the evidence presented, the applicant is financially suitable to operate the proposed business.

With regard to suitability, the applicant provided the requisite criminal conviction history form for Mr. Karim. The applicant already operates a taxicab service and had no problems doing so. Mr. Karim appears familiar with the rules and regulations regarding livery service operation. Based on the evidence presented, the applicant is deemed suitable to operate the proposed livery service.

As part of the requirements that must be met for a livery permit to be granted, the applicant must show that public convenience would be improved by the service. To show the need for the service, the applicant presented one witness from the Omni Hotel who spoke about the good service the applicant provides. Unfortunately, there was no testimony concerning how the applicant's service would improve public convenience and necessity.

The applicant submitted a package of interstate reservations which shows that the applicant is performing interstate livery service. This work is really not relevant to prove that an additional intrastate provider is needed.

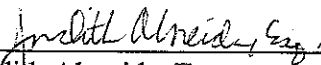
The applicant also submitted a package of six intrastate requests that he received. It is not known whether the individuals seeking intrastate livery service ever received it from another provider when the applicant could not do it. Therefore, this information does not prove public convenience and necessity.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Mustapha Karim d.b.a. LX Limousine, LLC. is hereby denied.

Dated at Newington, Connecticut on this 31st day of August 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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