



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1104-N-30-L

RE: APPLICATION OF STEVE MARTORELLI TO OPERATE TWO (2) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS OR LESS IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN MERIDEN.

REVISED FINAL DECISION

DECEMBER 16, 2015

I. INTRODUCTION

A. General

By application filed on April 5, 2011, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Steve Martorelli (hereinafter "applicant") with a mailing address of 816 Broad Street, #10, Meriden, Connecticut 06451, seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults or less in general livery service between all points in Connecticut from a headquarters in the town of Meriden.

B. Hearings Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was originally held on June 28, 2012. This application was denied by final decision dated August 30, 2012. An appeal was filed by the applicant and on April 28, 2015, the Supreme Court of Connecticut remanded this case for a new hearing. The remanded hearing was held on November 19, 2015.

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

Steve Martorelli appeared on behalf of the applicant and was represented by Michael Feldman, Esq. with a mailing address of 10 Waterside Drive, Suite 303, Farmington, Connecticut 06032.

There was no opposition filed in this remand hearing. A Premier Limousine appeared in opposition in the original hearing.

D. Evidence Incorporated

The evidence presented at the original hearing held on June 28, 2012 was incorporated by reference into this hearing.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in livery service from a headquarters in Meriden. One vehicle, a Lincoln Town Car, will be a purchased and one vehicle will be a van. The van may be a 1999 Dodge Caravan currently owned by the applicant or a newer van to be purchased.

2. The applicant has no experience in the livery industry and has not received his public service license.

3. The applicant has been operating a company since 2009, Turnkey Processing, LLC, which handles credit card processing. Mr. Martorelli has flexibility in that he can operate a livery service and still work at Turnkey. He also works occasionally as a disc jockey.

4. The applicant's expenses include insurance of \$8,200 per year for the two vehicles, gas of \$140 a month and property tax of \$34 a month. He may purchase a minivan for about \$4,000 to \$7,000. The limousine may cost \$9,000 to \$20,000. He will operate a livery office from the space that he has now, so he will not incur any additional rent. The monthly fixed operating costs are around \$800. The applicant has cash in the bank of \$23,978. The applicant plans to reinvest the first five years of profits back into the company.

5. Antonio Garofolo, owner of a formal wear store in Rocky Hill, testified in support of the application. Mr. Garofolo testified that he has not referred livery services to his clients for eight years because he has not found a livery service that he wants to refer business to. Mr. Garofolo also testified that during the busy prom season it is difficult to retain a livery vehicle.

6. The applicant will be employing John Grant as a driver. Mr. Grant used to work for A Premier Limousine for a time and testified they are always looking for drivers.

7. Daniel Reardon is one of the owners at Auto World in Meriden. He would like to use the applicant to provide transportation to and from his business for prospective clients that are seeking to purchase automobiles. Mr. Reardon wants to keep overhead down in his business and does not want to have his employees transport customers.

8. Jason Caligiore works with the applicant at Turnkey Processing, LLC. He testified that they would like to use the applicant's livery service to provide a perk to their clients and for employees but current livery services are too expensive.

9. Antonio Cappaso operates a construction company. Mr. Cappaso thinks that the applicant can provide van shuttle service for his employees to and from their work site. Parking at some of the sites is nonexistent or too expensive. Mr. Cappaso has not looked into other livery companies or taxicab service to provide the transportation for his employees.

10. Genaro Martorelli, the applicant's father also testified as a witness. Mr. Martorelli testified as to his business experience and the fact that he would help his son if needed. Mr. Martorelli also testified that he may have use for his son's livery business in transporting his employees to Manhattan job sites.

11. A Premier Limousine operates twenty-three vehicles in general livery service from a headquarters in Berlin.

12. The applicant plans to charge lower livery rates than its potential competitors thereby creating more competition and generating more customers who would not usually take a livery service due to the high cost.

13. The applicant will utilize an online marketing and reservation system not currently offered by many of its competitors.

14. The applicant is familiar with the livery statutes and regulations.

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 has presented evidence that the applicant's expenses include insurance of \$8,200 per year, gas of \$140 a month and property tax of \$34 a month. The applicant plans to purchase a limousine that costs between \$9,000 \$20,000 and a van that costs between \$4,000 to \$7,000 for a total payment of \$3,042 for a six month period. The applicant will operate an office from the space he has now so he will not incur any additional rent. The monthly fixed operating costs are around \$800. The applicant has cash in the bank of \$23,978. The applicant plans to reinvest the first five years of profits. Based on the evidence presented, the applicant has sufficient assets to cover the first six months of start-up costs.

With regard to suitability the applicant submitted a clean criminal record check for Mr. Martorelli which is still valid. Mr. Martorelli has business experience operating a credit card processing company called Turnkey Processing, LLC. The applicant has read the livery regulations and statutes. Given the applicant's business experience and his familiarity with the livery rules and regulations, the applicant has proven suitability.

The applicant also has to prove that public convenience and necessity would be improved by the proposed service. In that regard, the applicant testified that he will offer a lower cost livery service which will improve public convenience and necessity by allowing more people to access livery service. In addition, he will offer an online reservation system which is offered only on a limited basis by his potential competitors.

Based on the evidence presented, this application will be granted.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Steve Martorelli is hereby granted and Livery Permit Number 3514 is issued as follows:

LIVERY PERMIT NO. 3514
FOR THE OPERATION OF LIVERY SERVICE

Steve Martorelli is hereby permitted and authorized to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) adults in general livery service from a headquarters in Meriden.

RESTRICTIONS:

The applicant must register the two (2) vehicles granted under this decision within sixty (60) days from the date of this final decision. Failure to register the two vehicles within the time deadline will result in immediate revocation of the permit.

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.

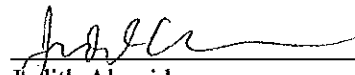
This permit may not be sold or transferred until it has been operation, i.e., a vehicle registered with livery plates thereunder, for not less than twenty-four (24) consecutive months.

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 16th day of December 2015.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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