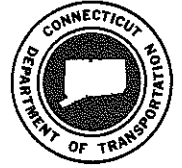


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1204-N-44-L

RE: APPLICATION OF COMFORT CARE TRANSPORTATION 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 DANBURY.

FINAL DECISION

September 5, 2012

I. INTRODUCTION

A. General

By application filed on April 3, 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Comfort Care Transportation (hereinafter "applicant") with a mailing address of 70 Locust Avenue, Apt. 1, Danbury, Connecticut 06810, 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 Danbury.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on August 28, 2012.

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

Odilene Monroe appeared pro se on behalf of the applicant. Ms. Monroe's mailing address is 70 Locust Avenue, Apt. 1, Danbury, Connecticut 06810.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in livery service from a headquarters in Danbury.

2. Ms. Monroe will primarily handle the office work while her fiancé, Luiz Godoy, will act as the principal driver. Both Mr. Godoy and Ms. Monroe have a public service license.

3. Mr. Jim Crossett testified in support of the applicant. Mr. Crossett is in charge of a company called Synergy Home Care which provides Certified Nursing Assistants to families needing home care. When he visits with doctors, he often hears how getting transportation for seniors is a real problem. He will refer livery business to the applicant.

4. Ms. Silviene Carbone testified in support of the application. Ms. Carbone has both a disabled brother and an elderly father that could both use the livery service. Her brother needs to be driven to New Haven twice a week and her father needs transportation on holidays.

5. Christian Jensen testified that he transports Masonic Lodge members to meetings in his own car. He believes at some point due to their disabilities, he will no longer be able to transport these members himself. The applicant's service could be helpful with regard to the transporting these lodge members.

6. Kimberly Ilogti testified that she would like to use the applicant's service to transport an elderly aunt. She quantified her service needs at about one to two times a week.

7. Michael Otero testified that his parents are disabled and go for weekly rehabilitation appointments. The applicant's service could be used to provide this transport.

8. The applicant plans to operate a 2004 Ford E350 van which is handicapped accessible. This van has a payoff amount of \$1,557.51 and a monthly loan payment of \$253.55.

9. The applicant has \$18,237.51 in the bank.

10. The applicant's insurance will cost \$4,600 for the year for one vehicle.

11. The applicant will operate out of a home office to start the business and does not have any other expenses.

12. The applicant will have staff available that can speak English, Portuguese and Spanish.

13. There was no opposition to this application.

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 has presented evidence that the applicant plans to operate a 2004 Ford E350 van which is handicapped accessible. This van has a payoff amount of \$1,557.51 with monthly loan payments of \$254. The applicant has \$18,237 in the bank. The applicant's insurance will cost \$4,600 for the year for the one vehicle. The applicant will operate out of a home office to start the business and does not have any other expenses. Based on

the evidence presented, the applicant has sufficient funds to cover the startup period of six months.

With regard to suitability, the applicant provided a criminal record check for Ms. Monroe which showed no record. The applicant is a certified nursing assistant and is very familiar with transporting the elderly and disabled. Ms. Monroe and Mr. Godoy both have public service licenses and will be driving the van and working in the office.

The applicant also has to prove that public convenience and necessity would be improved by the proposed service. The applicant produced several witnesses who spoke about their need for livery services including for wheelchair transportation. The applicant will specialize in transporting seniors and has a medical background which will enhance this operation. Ms. Monroe will devote her whole attention to the business and her fiancé will also be available to assist. Based on the witness testimony presented, the applicant has proven public convenience and necessity.

Taking all of the factors into consideration, the applicant will be approved to operate one (1) livery vehicle in intrastate livery service from a headquarters in Danbury.

IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Comfort Care Transportation is hereby granted and Livery Permit Number 3269 is issued as follows:

LIVERY PERMIT NO. 3269 FOR THE OPERATION OF LIVERY SERVICE

Comfort Care Transportation is hereby permitted and authorized 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 Danbury.

RESTRICTIONS:

The applicant must register the one vehicle granted under this decision within sixty (60) days from the date of this decision.

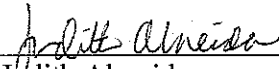
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months.

This permit shall remain in effect until 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 may from time to time prescribe thereunder.

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 5th day of September 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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