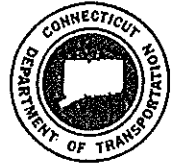




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NO. 1309-GOV-337-L

RE: APPLICATION OF ELDERLY FREEDOM, LLC. TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH, OR A LOWER TIER CONTRACT FOR ANY FEDERAL, STATE OR MUNICIPAL AGENCY BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN BLOOMFIELD.

FINAL DECISION

February 6, 2014

I. INTRODUCTION

A. APPLICATION

By application filed on September 26, 2013, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Elderly Freedom, LLC. (hereinafter "applicant") located at 26 Merriam Avenue, Bloomfield, Connecticut seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, for the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state or municipal agency between all points in Connecticut from a headquarters in Bloomfield.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103(a)(3), as amended, a public hearing on this application was held on January 28, 2014.

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 Connecticut General Statutes Section 13b-103(a)(1), as amended. 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

Aubrey Dehnert appeared pro se on behalf of Elderly Freedom, LLC. The applicant's mailing address is 26 Merriam Avenue, Bloomfield, Connecticut 06002.

D. APPLICANT'S CURRENT LIVERY AUTHORITY

The applicant currently has authority for one (1) vehicle to transport elderly and handicapped individuals from a headquarters in Bloomfield. The applicant testified that he is only using his restricted elderly and handicapped authority to perform work for Logisticare. This authority is only authorized for private pay livery work, not for governmental contract work. If the applicant needs an additional vehicle to perform Logisticare work, he should make another application to convert his elderly and handicapped authority to one for governmental work. The applicant is to cease performing Logisticare work with the authority designated for private pay, elderly and handicapped work.

II. FINDINGS OF FACT

1. The applicant is seeking to perform contract work to provide livery trips for Logisticare, a transportation broker in Connecticut.
2. The applicant currently operates one (1) vehicle in livery service for the elderly and handicapped which exclusively performs Logisticare work.
3. The applicant submitted a signed executed contract with Logisticare to provide medical transportation services.
4. Claude Bisson, Transportation Manager for Logisticare, testified that he supports the applicant's request for one (1) additional livery vehicle to provide transportation for Logisticare.
5. Logisticare will add additional members to the population it serves who will need transportation in Connecticut.
6. The applicant submitted his Logisticare call sheet for January 27, 2014. The applicant refused nineteen (19) Logisticare requests that day.
7. The applicant's expenses include annual insurance of \$9,553 for the two vehicles, the payroll of \$19,200 and operating expenses for the second vehicle of \$16,200.
8. The applicant has \$14,227 in the bank.
9. The applicant plans to use a 2002 Chrysler Lincoln Town and Country Van which has a fair market value of \$6,047 with no loan outstanding.
10. There was no opposition to this hearing.

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 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 of the applicant is a limited liability company or corporation, the financial responsibility of the applicant,

the ability of the applicant to efficiently and properly 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 there under, in accordance with Connecticut General Statutes Section 13b-103.

To show financial suitability the applicant submitted information showing that its expenses include annual insurance of \$9,553 for the two vehicles, the payroll of \$19,200 and operating expenses for the second vehicle of \$16,200. The applicant has assets of \$14,227 in the bank. The applicant plans to use a 2002 Chrysler Lincoln Town and Country Van which has a fair market value of \$6,047, with no loan outstanding. The company already has another vehicle in livery service. Based on the evidence presented, the applicant is financially viable to operate the proposed livery service.

Regarding the applicant's suitability Mr. Dehnert provided a criminal record check which showed no criminal convictions. The applicant has been in the livery business with one vehicle since 2009. There have been no complaints filed against the applicant.

The only issue which arose concerning the applicant's suitability is the fact that it has been incorrectly using its authority to transport the elderly and handicapped to serve Logisticare. The applicant needs to immediately correct that situation by making a new application to transfer its original authority to a governmental authority. Since the applicant appears to be sincere in its misunderstanding of the rules and regulations, it will be given this opportunity to make the correction and it will not be held against him.

The final element that needs to be proven is that there is an executed contract from Logisticare. In addition to the contract, there was also witness testimony from Claude Bisson, a Manager at Logisticare, as to the need for the livery service. Based on the evidence presented, the applicant will be granted the authority to operate the one (1) vehicle requested.

VI. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application of Elderly Freedom, LLC. is hereby granted. Accordingly, Livery Permit Number 3236, standing in the name of Elderly Freedom, LLC. is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3236

**DURATIONAL LIVERY SERVICE
UNDER CONTRACT WITH LOGISTICARE, INC.
DOCKET NO. 1309-NGOV-337-L-GRANTED ON FEBRUARY 6, 2014**

A. Elderly Freedom, LLC. is authorized to operate one (1) motor vehicle, having a seating capacity of less than ten (10) adults, for the provision of transportation for hire by virtue of a contract with Logisticare, Inc. from a headquarters in Bloomfield.

RESTRICTIONS:

The applicant must register and insure all of the motor vehicles granted in this docket within thirty (30) days from the date of this final decision. Any vehicles not registered or insured within the thirty (30) day period will be revoked.

The applicant must file a new application for governmental livery service within thirty (30) days from the date of this final decision to accommodate the calls it receives from Logisticare that it had been performing with its elderly and handicapped authority.

The additional authority for one (1) vehicle granted in Docket No. 1309-GOV-337-L, shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Logisticare.

The permit holder shall notify the department of any termination of its contract with Logisticare or the cessation of the active provision of service there under. The permit holder shall file with the department on an annual basis, upon registration or re-registration of the motor vehicle authorized in this decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract, or a new executed contract with Logisticare, shall void the authority for the vehicle authorized pursuant to this contract.

This permit is not transferable and shall remain in effect until revoked by the department or until the contract under which this authority is granted has expired. 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.

B. Elderly Freedom, LLC. is also hereby permitted and authorized to operate one (1) motor vehicle having a seating capacity of less than ten adults, for the express purpose of providing reasonable livery service for handicapped and elderly persons, between all points in Connecticut from a headquarters in Bloomfield, Connecticut.

RESTRICTIONS

Prior to transporting any individual who remains in a wheelchair while being transferred into and out of a vehicle, the permit holder must first ensure that the vehicle used for the transportation is in compliance with Section 14-100a(e) of the Connecticut General Statutes. Failure to do so may result in a suspension, revocation or assessment of a civil penalty.

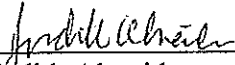
This certificate may not be sold or transferred until it has been operational, i.e., its vehicles registered with taxicab plates thereunder, for not less than twenty-four (24) consecutive months. This certificate is transferable only with the approval of the department.

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

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 6th day of February 2014.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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