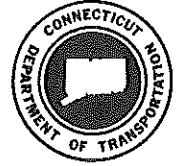


STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 1704-N-25-L

RE: APPLICATION OF BE DRIVEN, LLC TO OPERATE FOUR (4) MOTOR VEHICLES, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) ADULTS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NEWTOWN.

DECISION

JUNE 9, 2017

I. INTRODUCTION

A. General

By application filed on April 4, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Be Driven, LLC ("applicant") with a mailing address of 30 Bradley Lane, Sandy Hook, Connecticut seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service between all points in Connecticut from a headquarters in the town of Newtown.

B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on June 8, 2017.

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

Margaret Valentine appeared pro se on behalf of the applicant. The applicant's mailing address is 30 Bradley Lane, Sandy Hook, Connecticut 06482.

II. FINDING OF FACTS

1. The applicant seeks to operate one (1) motor vehicle in intrastate livery service from a headquarters in Newtown.
2. The applicant's only member, Margaret Valentine, operated a catering business for 37 years with her sister Elizabeth Valentine.
3. In the proposed business, Margret Valentine will do the bookkeeping and answer phones while her sister, Elizabeth Valentine will help in the office. Her niece, Aldina Latimer will do the marketing while her nephew, Darnell Latimer will act as the general manager and handle issues with the vehicle and the drivers.
4. The applicant will focus solely on transporting the elderly and handicapped private pay clients to and from medical appointments.
5. Margaret Valentine's niece, Aldina Latimer, is the Director of Admissions for Bethel Health Care. As the result of her job, she has many connections in the health care industry which will generate clients for the applicant.

6. The applicant will purchase a used Ford E350 high top van which is wheelchair accessible.
7. The applicant's first six months of expenses includes \$1,963 for insurance, \$450 for maintenance, taxes of \$875, marketing of \$300, communications of \$400, rent of \$564, motor vehicle payments of \$12,400 (\$10,000 down and \$400 per month), payroll of \$2,593 for a total of \$19,545.
8. The applicant has \$30,493 in a Savings Bank of Danbury account.
9. The applicant has one driver currently and will add additional drivers as needed.
10. This application was not opposed.

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 defined in Martorelli v. Department of Transportation 316 Conn. 538 (2015).

In support of financial wherewithal, the applicant presented evidence showing that the applicant's first six months of expenses includes \$1,963 for insurance, \$450 for maintenance, taxes of \$875, marketing of \$300, communications of \$400, rent of \$564, motor vehicle payments of \$12,400 (\$10,000 down and \$400 per month), payroll of \$2,593 for a total of \$19,545. The applicant has \$30,493 in a Savings Bank of Danbury account which is sufficient to cover these costs.

With regard to suitability, the applicant provided the requisite criminal conviction history form

for Margaret Valentine which shows no convictions. Ms. Valentine operated a catering business with her sister for 37 years and has the business acumen to operate this business.

The applicant must also prove public convenience and necessity. The applicant's niece has extensive contacts in the medical field working as a Director of Admissions. These contacts will be vital in assuring the applicant a sufficient client base.

Based on the above, Be Driven, LLC is hereby granted and Livery Permit Number 3590 is issued as follows:

LIVERY PERMIT NO. 3590
FOR THE OPERATION OF LIVERY SERVICE

Be Driven, LLC is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in elderly and handicapped livery service from a headquarters in Newtown.

RESTRICTIONS:

The applicant must register the one (1) vehicle granted under this decision within sixty (60) days from the date of this final decision.

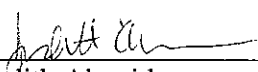
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

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 9th day of June 2017.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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