



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1710-E&H-108-L

RE: APPLICATION OF LADY LIBERTY HOMECARE, LLC TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY OF LESS THAN ELEVEN (11) PASSENGERS, TO TRANSPORT ELDERLY AND HANDICAPPED PASSENGERS IN LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN NORWALK.

DECISION

FEBRUARY 6, 2018

I. INTRODUCTION

A. APPLICATION

By application filed on October 24, 2017, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-105 of the Connecticut General Statutes, as amended, Lady Liberty Homecare, LLC (hereinafter "applicant") with a mailing address of 101 Washington Street, Unit 201, Norwalk, CT 06854 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) passengers, in livery service for the elderly and handicapped between all points in Connecticut from a headquarters in Norwalk.

B. HEARING

Pursuant to Connecticut General Statutes Section 13b-105, as amended, a public hearing on this application was held on February 1, 2018.

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, 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

Abieyuwa Odiase appeared pro se on behalf of the applicant. The applicant's mailing address is 101 Washington Street, Unit 201, Norwalk, CT 06854.

II. FINDINGS OF FACT

1. The applicant seeks to operate one (1) motor vehicle in livery service from a headquarters in Norwalk.
2. The applicant currently operates a home health care company in Norwalk.
3. Before starting the home health care company, the applicant was working as an electrical engineer in New York.
4. The livery permit will be operated in conjunction with the home health care business.
5. Ms. Odiase has made client contacts through the Grace Baptist Church which she attends and has found that the parishers would be interested using her livery service.

6. The applicant was an UBER driver part-time and has her public service license.
7. The applicant will operate a 2017 Dodge wheelchair accessible van.
8. The first six months of expenses includes \$3,408 for vehicle payments, \$1,799 for insurance and \$566 for property tax.
9. The applicant has \$9,600 in a bank account.
10. This application was not opposed.

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 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).

To show financial support, the applicant submitted the first six months of expenses which include \$3,408 for vehicle payments, \$1,799 for insurance and \$566 for property tax for a total expense of \$5,773. The applicant has \$9,600 in a bank account which is sufficient to cover the start-up costs.

Regarding the applicant's suitability, a criminal record check was performed for Abieyuwa Odiase which showed no convictions. Ms. Odiase has worked in the past as an UBER driver and already

has a public service license. She has shown that she has the necessary suitability to operate this proposed livery service.

To prove public convenience and necessity, the applicant presented evidence that she is operating a home health care business for seniors. As a part of her services she wants to incorporate transportation. She has talked with people at a dialysis center and other health care facilities who are interested in her transportation services for their clients. Another source of customers is the elderly people who attend her church who need livery transportation. The applicant's service would definitely be improving the transportation available to elderly and handicapped patrons by operating a wheelchair accessible van.

Based on the evidence presented, the applicant has proven a need for an additional livery service, the suitability and the financial ability to operate the proposed livery service.

VI. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-105, as amended, the application, standing in the name of Lady Liberty Homecare, LLC is hereby granted and Livery Permit Number 3623 is hereby issued as follows:

LIVERY PERMIT NO. 3623

Lady Liberty Homecare, LLC. is authorized to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) passengers, to transport the elderly and handicapped in livery service from a headquarters in Norwalk.

RESTRICTIONS:

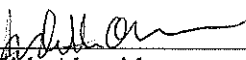
The applicant must register and insure the one (1) vehicle granted under this decision within sixty (60) days from the date of this decision.

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. If at any time during the twenty-four consecutive month period the applicant enters into a contract for the sale of the vehicle authorized under Livery Permit Number 3623, the authority granted herein for one (1) vehicle will be revoked.

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.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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