

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 2012-N-74-L

RE: APPLICATION OF C & A AUTO, LLC TO OPERATE ONE (1)  
GENERAL LIVERY VEHICLE, WITH A SEATING CAPACITY OF  
LESS THAN ELEVEN PASSENGERS, FROM A HEADQUARTERS IN  
EAST HAVEN.

DECISION

MARCH 17, 2021

## I. INTRODUCTION

### A. APPLICATION

By application filed on December 22, 2020, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, C & A Auto, LLC (hereinafter "applicant") with a mailing address of 38 Silver Sands Road, East Haven, Connecticut 06512 seeks authorization to operate one (1) motor vehicle, having a seating capacity of less than eleven (11) adults, in general livery service from a headquarters in East Haven.

### B. HEARING

Pursuant to Connecticut General Statutes Section 13b-103, as amended, a public hearing on this application was held on February 23, 2021. The hearing was originally scheduled for February 18, 2021 but delayed due to weather concerns.

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

Christopher Aragbada and Aces Vertusma appeared pro se on behalf of the applicant. The applicant's address is 38 Silver Sands Road, East Haven, Connecticut 06512.

Louis Arcucci from Black Tie Transportation, LLC submitted a timely filed letter of opposition in this matter on February 10, 2021. The department emailed Mr. Arcucci several hearing invitations containing the telephone instructions needed to access the hearing. At the time of the hearing, Mr. Arcucci did not make an appearance.

Attorney Jennifer Coppola, with the law firm Ciulla & Dinofrio, PC, representing the town of East Haven appeared as a witness regarding potential zoning issues. The mailing address for Attorney Coppola is 147 Washington Avenue, North Haven, Connecticut 06473.

## II. FINDINGS OF FACT

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

headquarters in East Haven.

2. The applicant will operate a 2008 Honda Accord which has been paid for.
3. The applicant's first six months of expenses includes insurance of \$5,188, maintenance of \$2,640, property tax of \$58, website development costs of \$1,500 and communication costs of \$2081.
4. The applicant has \$14,515 in a Bank of America bank account.
5. Both members have public service licenses and have driven passengers in the past.
6. The applicant currently provides school transportation and wants to expand into livery transportation.
7. The applicant will operate the livery business from a home office.
8. The town of East Haven has zoning rules which may impact the applicant's ability to park his commercial vehicle at his residence. The applicants will work with the town of East Haven to ensure they are not in violation of any zoning ordinances.
9. Both applicant members have no criminal record.
10. While there was originally a request for intervenor status filed by Black Tie Transportation, LLC, the intervenor failed to appear at the 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 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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for Christopher Aragbada and Aces Vertusma. that disclosed no criminal records. Both applicants have public service licenses and have acted as professional drivers in the past. Mr. Aragbada has a degree in business and finance which will help in operating this new livery business. In addition, the applicant is currently providing school transportation. Based on the evidence presented, the applicant is suitable to conduct the proposed business.

As far as the applicant's financial ability is concerned the applicant presented evidence that the first six months of expenses includes insurance of \$5,188, maintenance of \$2,640, property tax of \$58, website development of \$1,500 and communication costs of \$2076 for a total expense of \$11,462. The applicant has \$14,515 in a bank account which will cover these initial expenses. The applicant is found to be financially suitable.

On the issue of public convenience and necessity, the applicants have community connections through church and other groups which will potentially provide them livery clients. The applicants are performing school transportation currently and may also make livery contacts through those clients.

Based on the evidence presented, the applicant has shown that it has met the criteria to be granted a livery permit. As such the applicant should work with the town of East Haven to make sure it is not violating any zoning laws regarding parking its commercial vehicle at the residential property.

#### IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application in the name of C & A Auto, LLC is hereby granted, and Livery Permit Number 3704 is hereby issued as follows:

#### **LIVERY PERMIT NUMBER 3704**

C & A Auto, LLC is authorized to operate one (1) motor vehicle in general livery service, with a seating capacity of less than eleven passengers, from a headquarters in East Haven.

#### **RESTRICTIONS:**

**The applicant must register and insure the one (1) general livery vehicle granted in this decision within ninety (90) days. Failure to do so may result in revocation of this authority.**

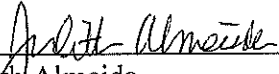
The authority granted under this permit may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates thereunder for not less than twenty-four (24) months.

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 the 17th day of March 2021.

CONNECTICUT DEPARTMENT OF TRANSPORTATION

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