



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 2207-N-72-L

RE: APPLICATION OF EAST HAVEN MEMORIAL FUNERAL HOME,
INC. TO OPERATE TWO (2) MOTOR VEHICLES IN GENERAL
LIVERY SERVICE, WITH A SEATING CAPACITY OF LESS THAN
ELEVEN PASSENGERS, FROM A HEADQUARTERS IN EAST
HAVEN

DECISION

DECEMBER 27, 2022

I. INTRODUCTION

A. APPLICATION

By application filed on July 13, 2022, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, East Haven Memorial Funeral Home, Inc. (hereinafter "applicant") with a mailing address of 425 Main Street, East Haven, Connecticut 06512 seeks authorization to operate two (2) motor vehicles, having a seating capacity of less than eleven (11) passengers, 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 by telephone was held on this application on December 14, 2022.

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

Joseph Deko and James Integlia appeared pro se on behalf of the applicant. The applicant's mailing address is 425 Main Street, East Haven, Connecticut 06512.

II. FINDINGS OF FACT

1. The applicant seeks to operate two (2) motor vehicles in general livery service from a headquarters in East Haven.
2. The applicants propose to operate two 2008 Cadillac DTS limousines in their funeral business. Both vehicles are paid for.
3. The applicant has been operating a funeral home since January 2020.
4. The applicant's first six months of expenses includes insurance costs of \$1,135, maintenance costs of \$1,000 and property tax of \$71.

5. The applicant has \$12,098 in a business bank account.
6. The applicants have four (4) employees with passenger endorsements who will drive the vehicles.
7. The applicants will be operating the livery business out of the funeral home.
8. The applicant wants to provide livery transportation to their funeral clients as part of the funeral business.
9. The applicants have a need which is not scheduled much in advance, so traditional livery service is typically booked up when they need cars.
10. The applicants want to utilize their own employees to drive the livery vehicles since they are trained how to deal with families in a funeral situation.
11. 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.

Regarding the applicant's suitability, the applicant submitted a criminal record check for both members Joseph Deko and James Intaglia which disclosed no criminal records. The applicants have gained business experience through operating a funeral home for the past two years. Based on the evidence presented, the applicants are suitable to conduct the proposed livery business.

As far as the applicant's financial ability is concerned, the applicant presented evidence that the first six months of expenses includes insurance costs of \$1,135, maintenance costs of

\$1,000 and property tax of \$71 for a total expense of \$2,206. The applicant has \$12,038 in a bank account to cover these startup expenses and is therefore financially suitable.

On the issue of public convenience and necessity, the applicant will be making its transportation services available only to its funeral home clients. The applicants raised a compelling argument that the funeral livery service differs from traditional livery service in that there isn't much lead time due to the nature of funerals. Another important difference is the level of personal service the driver would be offering to the clients. Based on the evidence presented, the applicant has shown that public convenience and necessity will be improved by a grant of this application.

IV. ORDER

Based upon the above and pursuant to Connecticut General Statute Section 13b-103, as amended, the application in the name of East Haven Memorial Funeral Home, Inc. is hereby granted, and Livery Permit Number 3765 is hereby issued as follows:

LIVERY PERMIT NUMBER 3765

East Haven Memorial Funeral Home, Inc. is authorized to operate two (2) motor vehicles 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 two (2) general livery vehicles granted in this decision within ninety (90) days. Failure to do so may result in revocation of the general livery 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.

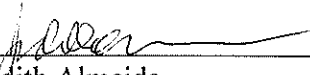
This permit shall remain in effect until it is amended, suspended or revoked by the department. Failure of the permit holder to maintain proper insurance and/or comply with all pertinent motor vehicle laws and other state statutes and/or rules, regulations and orders of the department shall be considered 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 27th of December 2022.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
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