

STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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Phone:

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DOCKET NUMBER 1207-TH-102-L

RE: APPLICATION OF LINDSEY LIMOUSINE, INC. D.B.A. LINDSEY  
LIMOUSINE TO TRANSFER ITS HEADQUARTERS FROM SOUTH  
WINDSOR TO WINDSOR.

FINAL DECISION

December 18, 2012

## I. INTRODUCTION

### A. General

By application filed on July 16, 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended, Lindsey Limousine, Inc. d.b.a. Lindsey Limousine (hereinafter "applicant") with a mailing address of 170 Strong Road, South Windsor, Connecticut 06074, seeks authorization to transfer its headquarters from South Windsor to Windsor.

### B. Hearing Held

Pursuant to Connecticut General Statutes Section 13b-103(a), as amended, a public hearing on this application was held on November 6, 2012.

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

Michael Lindsey appeared pro se on behalf of the applicant. Mr. Lindsey's mailing address is 170 Strong Road, South Windsor, Connecticut 06074.

Beverly Hills Limousine filed a petition against the headquarters transfer. Joseph Victor appeared on behalf of Beverly Hills. Beverly Hills was represented by Jeffrey J. Mirman, Esq. of Levy & Droney located at Pond View Corporate Center, 74 Batterson Park Road, Farmington, Connecticut 06032.

## II. FINDINGS OF FACT

1. The applicant seeks to transfer its livery headquarters from South Windsor to Windsor.
2. Beverly Hills Limousine operates a livery service from a headquarters in Windsor.
3. The distance between the applicant's old and new headquarters is approximately four miles.
4. The applicant did an extensive search for another headquarters office finally finding the Windsor address.
5. The new headquarters allows indoor parking for more vehicles.

6. The new headquarters is closer to Bradley International Airport and the gas station the applicant uses for its business.

7. The new headquarters will allow in house maintenance to be performed and there will also be a large increase in office space.

8. The applicant provides airport transportation for corporate clients.

9. Several of the applicant's corporate clients testified that a change of headquarters closer to the airport would benefit response time to their needs.

10. The applicant has total assets of \$643,749 and total liabilities of \$306,553. The applicant's cash balance is \$271,547.

### 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.

In support of financial wherewithal the applicant has presented evidence that it has total assets of \$643,749 and total liabilities of \$306,553. The applicant's cash balance is \$271,547. Clearly the applicant has enough funds to financially handle the headquarters transfer.

With regard to suitability, the applicant provided the requisite criminal conviction history for Michael Lindsey which showed no criminal convictions. The applicant has been in the livery business for many years and has no citation actions since 2001. The applicant is suitable to transfer its headquarters.

The applicant also has to prove that public convenience and necessity would be improved by the proposed service. The applicant produced the testimony of two witnesses who utilize its airport transportation. The change in headquarters to be closer to the airport would be an improvement to the public due to the quicker response time.

The applicant made an extensive search for a new office and looked in many towns for over a year before finding the building in Windsor. By moving the headquarters, the applicant would also be able to operate its business in a more economical way thereby allowing it to be more competitive in pricing. Moving the headquarters will allow more vehicles to be parked inside reducing detailing costs. Also, the new building has space for a garage which will allow maintenance to be done there.

The owner of Beverly Hills Limousine, Joseph Victor opposed the headquarters transfer. Mr. Victor claims that having the applicant's office will be so close to his that it would have a negative impact on his business. He also said that such a move shows a lack of respect for his company which was in that area first.

The department does not agree. Since the applicant has already been in business for over 20 years and it is moving a mere four miles down the road, it is hard to imagine that this move will create any additional burden on Beverly Hills Limousine. The applicant is already competition for Beverly Hills limousine. Moving the headquarters will not change that. Since most people hire livery service by calling the company and not by going directly to the headquarters, it really should be of no importance that the applicant has shifted its office four miles.

Taking all of the factors into consideration, the applicant will be allowed to move its headquarters from South Windsor to Windsor. This move will benefit the applicant and the public.

#### IV. CONCLUSION AND ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Lindsey Limousine, Inc. d.b.a. Lindsey Limousine is hereby granted and Livery Permit Number 2488 is reissued as follows:

LIVERY PERMIT NO. 2488  
FOR THE OPERATION OF LIVERY SERVICE

Lindsey Limousine, Inc. d.b.a. Lindsey Limousine is hereby permitted and authorized to operate twenty-six (26) motor vehicles, each having a passenger seating capacity of ten (10) adults or less.

Lindsey Limousine, Inc. d.b.a. Lindsey Limousine is further permitted and authorized to operate motor vehicles as a common carrier of passengers, in charter and special operation, in interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in issuance of Certificate Number MC-224653.

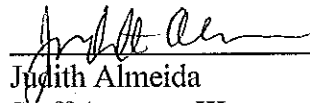
The authority granted under Docket Number 1112-AVWO-121-L may not be sold or transferred until it has been operational, i.e. a vehicle registered with livery plates there under for not less than twenty-four (24) months. If at any time during the first twenty-four months this authority is active, the applicant enters into a contract for the full or partial sale or transfer of any of the vehicles authorized under that decision, the additional authority granted will be revoked.

This permit shall remain in effect until 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 the rules, regulations and orders of the department shall be considered sufficient cause to revoke said permit.

A memorandum of this permit, bearing the seal of the department, shall be kept conspicuously posted in the motor vehicles operated under this permit.

Dated at Newington, Connecticut on this 18<sup>th</sup> day of December 2012.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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