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STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 0701-N-04-T

RE: APPLICATION OF DAVID N. RIZEK AND ELIAS J. RIZEK DBA DOMINICAN U.S.A. TAXI COMPANY TO OPERATE TWO (2) MOTOR VEHICLES, IN TAXICAB SERVICE, WITHIN AND TO AND FROM THE TOWNS OF BRANFORD, EAST HAVEN, HAMDEN, NEW HAVEN, NORTH HAVEN AND WEST HAVEN TO ALL POINTS IN CONNECTICUT.

FINAL DECISION

February 21, 2008

4485

## I. INTRODUCTION

### A. Applicant's Proposal

By application filed on December 21, 2006, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-97 of the Connecticut General Statutes as amended, David N. Rizek and Elias J. Rizek dba Dominican U.S.A. Taxi Company (hereinafter "applicant") of 79 Claudia Drive, Unit 156, West Haven, Connecticut, seeks authorization to operate two (2) motor vehicles in taxicab service within and to and from Branford, East Haven, Hamden, New Haven, North Haven and West Haven to all points in Connecticut.

### B. Hearing

Pursuant to Section 13b-97(a) of the General Statutes, as amended, a public hearing on this application was held at the administrative offices of the Department in Newington, Connecticut, on January 17, 2008.

Notice of the application and of the hearing to be held thereon was given to the applicant and to such other parties as required by Section 13b-97(a) of the General Statutes, as amended. Legal notice to the public was given by publication in the New Haven Register, a newspaper having circulation in the area of concern.

The hearing on this matter was conducted by a hearing officer, designated by the Commissioner of Transportation, pursuant to General Statutes Section 13b-17.

### C. Appearances

David Rizek and Elias Rizek appeared, without counsel, on behalf Dominican USA Taxi Company. The applicant's address is 79 Claudia Drive, Unit 156, West Haven, Connecticut.

No opposition was presented at the hearing to this application.

## II. FINDINGS OF FACT

1. David Rizek and Elias Rizek are brothers who seek to start a taxicab business together doing business as Dominican U.S.A. Taxi Company (the applicant).

2. David Rizek works as a taxicab driver for Checker Cab and has been employed there for approximately one year. Prior to working with Checker Cab, Rizek worked for Ecuamex Taxi Company.

3. Elias Rizek works as a taxicab driver for Coastal Transportation and Lodging Corporation dba New Haven Milford Taxi Cab Company and has been employed there for approximately one year. Elias Rizek has also worked for Ecuamex Taxi Company.

4. Although the Rizeks currently work as owner operators for other taxicab companies, the majority of the calls they receive on their personal cell phones are from customers who have used them in the past and have become personal clients and from referrals rather than through dispatch from the companies for which they work.

5. The Rizeks each own their own vehicle, outright, each of which is in good working condition.

6. If approved, the Rizeks will use the existing vehicles in their proposed business until they can purchase newer ones.

7. The insurance coverage estimate for both vehicles is \$8,500, which would be paid by down payment and monthly installments.

8. At date of hearing, David Rizek had a cash balance in the amount of \$3,417 in the bank. Rizek's balance over the period of November 2007 to January 2008 has had its lowest balance at \$1,366 and its highest at \$8,002.

9. David Rizek has a home equity line of credit in the amount of \$44,298, as of January 15, 2008, which he can and will access if funds are required by the proposed business.

10. Estimates for repairs and maintenance for the two vehicles are approximated at \$4,240.

11. Several witnesses from New Haven, West Haven and Hamden have a need for the applicant's service.

12. The witnesses have had negative experiences with the companies that are currently operating in New Haven and West Haven.

13. Neither David Rizek nor Elias Rizek has a criminal conviction history.

### III. DEPARTMENT DISCUSSION

The Department of Transportation has jurisdiction over common carriers, which includes each person, association, limited liability company or corporation owning

or operating a taxicab in the State of Connecticut in accordance with Connecticut General Statutes Section 13b-96, as amended. The department is authorized to prescribe regulations with respect to fares, service, operation and equipment, as it deems necessary for the convenience, protection and safety of the passengers and the public.

Pursuant to Section 13b-97(a), as amended, any person who applies for authority to operate a taxicab shall obtain from the department a certificate of public convenience and necessity certifying that the public's convenience and necessity requires the operation of a taxicab or taxicabs for the transportation of passengers. No certificate shall be issued unless the department finds that the person is suitable to operate a taxicab service. In so doing the department must take into consideration any convictions of the applicant under federal, state or local laws relative to safety, motor vehicle or criminal violations, the number of taxicabs to be operated under the certificate, the adequacy of the applicant's financial resources to operate the service, the adequacy of insurance coverage and safety equipment and the availability of qualified operators.

In support of financial wherewithal, the applicant provided proof of bank balances in the amount of \$3,417 in the bank. David Rizek has a home equity line of credit in the amount of \$44,298, as of January 15, 2008, which he can and will access if funds are required by the proposed business. The applicant's insurance estimate is \$8,500, which will be paid with a down payment and installments. The Rizeks each separately have a bank account. It is the policy of the department to require each certificate holder to establish a bank account in the certificate holder's name. Accordingly, the applicant will be required to so comply prior to registration of any vehicles.

With regard to suitability, David and Elias Rizek provided the requisite criminal conviction history forms that show no record for either partner. The Rizeks testified that they have several people who they might hire to drive for them. Additionally, they both have a vehicle that each presently uses in their current positions as owner-operators with other taxicab companies. These two vehicles will be inspected prior to registration.

Lastly, several witnesses appeared to speak in support of the applicant. Among the witnesses were Francisco Cuartos, from West Haven has known the Rizeks for over 15 years. He uses Elias Rizek for transportation to his sisters house, shopping and to the doctor, approximately five or six times per week. He receives good service. He has used Metro taxi and has experienced poor service. Bobby Natividad, from Hamden uses the Rizeks to go to West Haven and New Haven. Natividad supports the applicant. Theodore Goetz uses the applicant for service a couple of times per week. He calls the applicants on their cell phones to get service. Several of the witnesses testified that the current service provided in New Haven and West Haven is often inconsistent and late.

#### IV. CONCLUSIONS OF LAW

Pursuant to Connecticut General Statutes Section 13b-97(a), the applicant possesses the financial wherewithal and the suitability to operate the proposed service. As for public convenience and necessity, the applicant's provided evidence in support of its proposed service only in the towns of New Haven, West Haven and Hamden. In light of the fact that the applicant will have a service area of three towns, two taxicabs will be granted for coverage of the three town territory.

#### V. ORDER

Based upon the above and pursuant to Connecticut General Statutes Section 13b-97, as amended, the application is approved and issued as follows:

#### TAXICAB CERTIFICATE NO.1206 FOR THE OPERATION OF MOTOR VEHICLE IN TAXICAB SERVICE

David N. Rizek & Elias J. Rizek dba Dominican U.S.A. Taxi Company of West Haven, Connecticut, is hereby permitted and authorized to operate TWO (2) motor vehicles in taxicab service, within and to and from Hamden, New Haven and West Haven to all points in Connecticut.

#### CONDITIONS TO BE MET PRIOR TO REGISTRATION:

Prior to registration, the applicant must establish a bank account in its own name and provide proof thereof to the Department of Transportation, Administrative Law Unit within 30 days of the date of this final decision. Failure to meet said condition may result in revocation of this certificate.

#### RESTRICTIONS

This Certificate may not be sold or transferred until it has been operational, i.e., a vehicle registered with a taxi plate thereunder, for not less than twenty-four (24) consecutive months. This Certificate is transferable only with the approval of the Department.

This Certificate shall remain in effect until it is amended, suspended or revoked by the Department. Failure of the Certificate Holder to maintain proper insurance and/or to 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 amend, suspend or revoke this Certificate.

This Certificate is transferable only with the approval of the Department and is issued subject to compliance by the holder hereof with all motor vehicle laws of the

State of Connecticut, and with such rules, regulations and orders as this Department may from time to time prescribe.

The vehicles granted under this certificate must be registered within 30 days from the date of the final decision.

Dated at Newington, Connecticut, on this 21<sup>st</sup> day of February 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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Laila A. Mandour  
Staff Attorney III  
Administrative Law Unit  
Bureau of Finance and Administration