



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NO. 1204-N-61-L

RE: APPLICATION OF AVON CONNECTICUT LIMOUSINE, LLC TO OPERATE ONE (1) MOTOR VEHICLE, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN GENERAL LIVERY SERVICE BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN STRATFORD, CONNECTICUT.

FINAL DECISION
CORRECTED AS TO COMPANY NAME

November 19, 2013

I. INTRODUCTION

A. Application

By application filed, on or about April 2012, with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103 of the Connecticut General Statutes, as amended; Avon Connecticut Limousine, Inc. (hereinafter "applicant") located at 188 Adams Street, Stratford, Connecticut seeks authorization to operate one (1) motor vehicle, having a seating capacity of ten (10) adults or less, in general livery service between all points in Connecticut from a headquarters in Stratford, Connecticut.

B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a), a public hearing on this application was held on September 10, 2013.

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 General Statutes Section 13b-103(a)(1). Legal notice to the public was given by publication on the department's web site.

A hearing officer was designated by the Commissioner of Transportation to conduct the hearing on this matter, pursuant to Connecticut General Statutes Section 13b-17.

C. Appearances

Johel Cherival, owner and president of the applicant company appeared on the applicant's behalf, without counsel.

No opposition was presented to the application.

D. Re-entitlement

The evidence proffered by the applicant and the department records in this case show that the applicant was operating interstate livery service under the name of Universal Car Services pursuant to Federal Motor Carrier Safety Administration Certificate (hereinafter "FMCSA") No. MC 608623-C. The registration of said certificate was approved by the Department of Transportation on August 30, 2007 and Livery Permit No. 3172 was issued to Universal Car Services. The department records, included in the hearing file, show that on March 28, 2013, a re-entitlement was approved by the Regulatory and Compliance Unit and a name change was effectuated, however no permit in the new company name was issued. The Secretary of the State of Connecticut's office shows that the applicant's business filing is in the name of Avon Connecticut Limousine, LLC. The applicant's name on the application is Avon Connecticut Limousine, LLC.

While the Regulatory and Compliance records show that a name change was approved from Universal Car Service to Avon Limousine, LLC, that name is not supported by the evidence and no re-entitlement was issued in the new name. Accordingly, the applicant's grant of authority will be in the name of Avon Connecticut Limousine, LLC and said re-entitlement will be included herein.

II. FINDINGS OF FACT

1. The applicant is holder of Permit No. 3172 and is authorized to operate interstate livery service under FMCSA Certificate No. MC 608623-C from a headquarters in Stratford.
2. The applicant changed its name from Universal Limousine, LLC to Avon Limousine, LLC in March of 2013, although the re-entitlement from one name to the other was not effectuated by the Regulatory and Compliance Unit.
3. The applicant's business filing is under the name of Avon Connecticut Limousine, LLC.
4. The applicant's address has not been changed by the Regulatory and Compliance Unit although the application and correspondence from the Regulatory and Compliance Unit contain the correct address.
5. The applicant has office hours from 9 a.m. to 5 p.m. The president, Johel Cherival, and his wife dispatch and staff the office at the owner's home address of 188 Adams Street, Stratford, Connecticut.
6. The applicant owns one town car outright and financed a 2013 town car.
7. The applicant has clients that it provides service for to New York airports. Those clients have asked for trips within the State of Connecticut but the applicant has not provided them because it does not have authority to do so. The applicant receives approximately 15 calls per week for which intrastate trips cannot be provided.
8. The applicant receives referrals from Prime Time Limousine and has to turn away intrastate referrals.
9. The applicant's owner, Johel Cherival, has been operating his business for several years and has experience driving for Prime Time Limousine, Woody's Limousine and he drove a school bus for five years.
10. Cherival does not have a criminal conviction history.
11. Marilyn Fuller, one of the applicant's clients who uses the applicant's services to NY airports is unable to use the applicant for intrastate trips, which she requires

approximately every other month. She would like to use the applicant for intrastate trips.

12. The applicant's insurance costs for a six month period are \$2,336, auto loan payments are \$4,171, property tax and maintenance are approximately \$500. The applicant maintains a checking account balance of approximately \$5,000. The applicant is currently in operation and meets its expenses monthly.
13. No opposition was presented to the instant application.

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 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 General Statutes Section 13b-103.

Johel Cherival appeared at the hearing on behalf of his company and testified that the respondent company received authority for interstate livery in 2007. He testified that he had driven a school bus prior to beginning his own livery company. He also received livery experience working for Prime Time Limousine and Woody's Limousine. He had some problems with continuing his company due to the economy, so he worked in New York for a year and a half, returning to his interstate livery business in 2010. He has operated said business on a continuing basis since 2010.

One of the applicant's customers testified that she has used the applicant's service to New York airports on many occasions and has tried to use the applicant for intrastate trips to Bradley. The applicant declined providing these rides for lack of authority. She supports the application and would use the applicant for intrastate trips. She also testified that the Cherival provides professional and punctual service. Cherival's criminal conviction history shows no record as of April 27, 2012 and he has not been involved in any criminal activity since the date of the conviction history form. The applicant has no history of citations.

The applicant has been operating in interstate livery service for several years without incident. It has built a clientele and also has a recommendation from Prime Time Limousine, from whom the applicant also receives referrals. The applicant operates two vehicles in interstate

service. The applicant owns one vehicle and recently purchased a 2013 town car. This vehicle is expected to have limited costs for repairs and maintenance. The applicant's vehicles are properly insured. The applicant's first six months' expenses are estimated at \$6,973. These expenses include insurance, auto loan payment, personal property tax and maintenance. The applicant's cash balance as of September 9, 2013, as listed on a late filed bank document, was \$5,171.20. The applicant will not incur additional expenses as a result of receiving this authority.

The only disparity found by this hearing officer is that of a permit which has not been re-entitled to the new name of the company. Further, it appears from the applicant's carrier report which is a business record of the department, that the department does not have up to date information in the applicant's file. Accordingly, prior to registering any vehicles, the applicant will be required to ensure that the records of the department reflect the proper company information.

IV. CONCLUSION OF LAW

The applicant possesses the suitability and the financial wherewithal to operate livery service and further, the grant of authority for one motor vehicle in livery service will improve the public's convenience and necessity.

V. ORDER

Based upon the foregoing and pursuant to Connecticut General Statutes Section 13b-103, as amended, the application of Avon Connecticut Limousine, LLC is hereby granted and Permit Number 3172, standing in the name of Avon Connecticut Limousine, LLC is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3172
FOR THE OPERATION OF LIVERY SERVICE

Avon Connecticut Limousine, LLC, is hereby permitted and authorized to operate one (1) motor vehicle, having a seating capacity of less than ten (10) adults, in GENERAL LIVERY SERVICE between all points in Connecticut from a headquarters in Stratford, Connecticut.

Avon Connecticut Limousine, LLC is further permitted and authorized to operate motor vehicles, as a common carrier of passengers in charter and special operations, in Interstate commerce under such authorization as issued or amended by the Federal Motor Carrier Safety Administration in the issuance of Certificate No. MC-608623-C.

RESTRICTIONS:

Prior to registering its vehicle, the applicant is required to meet with the Regulatory and Compliance Unit staff to ensure that the information on file for the company is properly reflected.

This Permit may not be sold or transferred until it has been operational, i.e., a vehicle registered with the livery plates thereunder, for not less than twenty-four (24) consecutive 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 the rules, regulations and orders of the Department shall be considered sufficient cause to amend, suspend or revoke this Permit.

This Permit 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.

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, this 19th day of November 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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