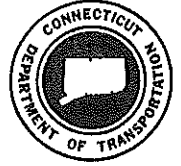




STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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NEWINGTON, CONNECTICUT 06131-7546

Phone:

(860) 594-2875

DOCKET NO. 1207-NGOV-100-L

RE: APPLICATION OF BETHEL AMBULETTE, INC. TO OPERATE THREE (3) MOTOR VEHICLES, HAVING A SEATING CAPACITY TEN (10) ADULTS OR LESS, IN THE TRANSPORTATION OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH, OR A LOWER TIER CONTRACT FOR, ANY FEDERAL, STATE OR MUNICIPAL AGENCY BETWEEN ALL POINTS IN CONNECTICUT FROM A HEADQUARTERS IN STRATFORD, CONNECTICUT.

FINAL DECISION

August 6, 2013

## I. INTRODUCTION

### A. Application

By application filed on July 10, 2012 with the Department of Transportation (hereinafter "department"), pursuant to Section 13b-103(a)(3) of the Connecticut General Statutes, as amended, Bethel Ambulette, Inc. (hereinafter "applicant") located at 727 Honeyspot Road, Suite 201, Stratford, Connecticut, seeks authorization to operate three (3) motor vehicles, having a seating capacity of ten (10) adults or less, in the transportation of passengers for hire by virtue of a contract with, or a lower tier contract for, any federal, state or municipal agency between all points in Connecticut from a headquarters in the town of Stratford.

### B. Hearing

Pursuant to Connecticut General Statutes, Section 13b-103(a)(1), as amended, a public hearing on this application was held on July 23, 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), as amended. Legal notice to the public was given by publication on the Department of Transportation's web site.

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

### C. Appearances

Bethel Ambulette, Inc. appeared through its owner, Saji Thomas, and was represented by Stephanie Laska, Esq. of the firm of Harris, Harris & Schmid, Attorneys at Law, 11 Belden Avenue, First Floor, Norwalk, Connecticut.

No opposition was presented to this application.

## II. FINDINGS OF FACT

1. Bethel Ambulette, Inc. is the holder of livery Permit No. 3253 and operates two vehicles in livery service for elderly and handicapped persons. In addition to providing transportation to people from nursing homes, the applicant provides
2. Logisticare is a transportation brokerage that provides non-emergency transportation to eligible recipients, including Medicaid patients. Logisticare and the applicant are parties to a contract whereby Logisticare assigns trips to the applicant and the applicant provides the non-emergency transportation throughout the state. The applicant has been providing such trips to Logisticare for the past two years.

3. Claude Bisson has been the Transportation Manager for Logisticare for the past 14 years. He is familiar with Logisticare's transportation needs. Logisticare sends the applicant an average of 100 transport requests per day.
4. Currently with its two wheelchair vans, the applicant can provide only up to about 50 to 60 one way trips per day for Logisticare, if that, depending on the proximity of the destination.
5. Logisticare's need for transportation has increased due to the acquisition of a new Department of Social Services contract for Fairfield and New Haven Counties. Some trips are requested as far as New Milford. Logisticare will provide work to the applicant for three vehicles.
6. The applicant is also a party to a contract with Medical Transportation Management (MTM) who requests from the applicant approximately 20 trips per day for non-emergency medical transportation for covered persons, governmental entities and health plans.
7. The applicant cannot provide transportation to MTM and turns away MTM's daily transportation requests.
8. If approved, the applicant would purchase three 2013 or 2014 Ford E-250 vans. The cost for each retrofitted vehicle would be approximately \$31,000.
9. Maintenance, fuel, taxes, insurance and loan payment for each vehicle is estimated at \$5,200 per month.
10. The applicant had a balance of \$64,512 in its business checking account as of June 17, 2013.
11. As of June 6, 2013 the applicant's accounts receivables were \$58,870 with a minimal amount over 30 days and its accounts payables were \$3,965, all within 30 days.
12. The owner of the applicant has no criminal conviction history.
13. No opposition was presented to this 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.

The applicant provided substantial evidence to show that the applicant has a criminal conviction history form on file which shows no criminal history for Saji Thomas, its owner. Thomas testified that he has not had any criminal convictions since the date of the criminal conviction history form. The company has been in operation for the past two years without incident. The applicant provided evidence supporting its financial viability and its ability to operate the proposed service for six (6) months. Trip sheet evidence and testimony from Logisticare's transportation manager supports the grant of three additional vehicles to meet Logisticare's increased transportation requests. Additionally, three vehicles will provide additional resources for the applicant to respond to the need from Medical Transportation Management.

### IV. CONCLUSIONS OF LAW

The applicant possesses the suitability and financial wherewithal to operate the proposed service in accordance with General Statutes Section 13b-103(b) and further, the service of three vehicles are required to provide transportation for service under contract with Logisticare Solutions, LLC and Medical Transportation Management in accordance with General Statutes Section 13b-103(a)(3).

### V. ORDER

Based upon the forgoing and pursuant to Connecticut General Statutes Sections 13b-103(a)(3) and 13b-103(b), as amended, the application of Bethel Ambulette, Inc. is hereby approved and livery Permit Number 3253 is hereby amended and reissued as follows:

LIVERY PERMIT NO. 3253  
FOR THE OPERATION OF LIVERY SERVICE

Bethel Ambulette, Inc. is permitted and authorized to operate two (2) motor vehicles having a seating capacity of ten (10) adults or less in livery service for the express purpose of providing reasonable livery service to handicapped persons and elderly persons on regular or

irregular routes between all points in Connecticut from a headquarters in Stratford.

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 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, rules, regulations and orders of the department as may be prescribed from time to time, may result in suspension or revocation of this permit.

DURATIONAL TRANSPORTATION  
OF PASSENGERS FOR HIRE BY VIRTUE OF A CONTRACT WITH, OR A LOWER TIER CONTRACT  
FOR, ANY FEDERAL, STATE OR MUNICIPAL AGENCY

LIVERY SERVICE UNDER CONTRACT WITH  
LOGISTICARE SOLUTIONS, LLC AND MEDICAL TRANSPORTATION MANAGEMENT, INC.  
DOCKET NO. 1207-NGOV-100-L ISSUED ON AUGUST 6, 2013

Bethel Ambulette, Inc. is hereby permitted and authorized to operate **three (3)** motor vehicles having a seating capacity of less than ten (10) adults for the provision of livery service under contract with Logisticare Solutions, LLC and Medical Transportation Management, Inc. from a headquarters in Stratford, Connecticut.

The authority granted in this Docket No. 1207-NGOV-100-L shall be durational in nature and shall exist only for the period of time that the permit holder has a current and continuing contract in effect for the provision of service with Logisticare Solutions, LLC and Medical Management Transportation, Inc.

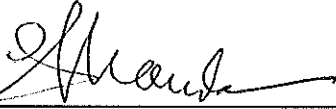
The permit holder shall notify the Department of any termination of its contract with Logisticare Solutions, LLC or Medical Transportation Management, Inc. or the cessation of the active provision of service thereunder. The permit holder shall file with the Department, on an annual basis upon registration or re-registration of the motor vehicle authorized in this decision, a current, executed copy of the extension of said contract. Failure to file an extension of the contract or a new executed contract with Logisticare Solutions, LLC and Medical Transportation Management, Inc. shall void the authority for the vehicles authorized pursuant to this contract.

This permit is not transferable and shall remain in effect until revoked by the Department or until the contract under which this authority is granted has expired. 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.

This final decision constitutes notice in accordance with Section 4-182(c) of the General Statutes.

Dated at Newington, Connecticut, this 6<sup>th</sup> day of August, 2013.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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