

File

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 0705-C-58-HG

IN THE MATTER OF THE CITATION OF SYSTEMS
FURNITURE INSTALLATION, INC. DBA SYSTEMS
MOVING & STORAGE.

FINAL DECISION

November 6, 2007

I. INTRODUCTION

A. Background

By citation dated June 22, 2007 issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-407, Systems Furniture Installation, Inc. dba Systems Moving and Storage (hereinafter "respondent"), of Middletown, Connecticut, and holder of Certificate Number 1558, authorized to operate motor vehicles for the transportation of property for hire as a motor common carrier to all points in Connecticut from a headquarters in Middletown, was ordered to come before the department to answer allegations made therein.

The respondent was directed to appear at the Newington office of the Department of Transportation to show cause why Certificate Number 1558 should not be suspended, revoked or a civil penalty imposed for the violation of Connecticut General Statutes Section 13b-410c(b) for failure to make payment of annual fees for filing with the state proof of insurance.

The citation was sent to the respondent by first class and certified mail and recited the department's reasons for issuing same.

B. Hearing

Pursuant to Section 13b-407 of the Connecticut General Statutes, the public hearing for this citation was held on October 18, 2007.

Notice of the citation and of the hearing to be held thereon was given to the respondent and to such other parties as required by General Statutes Section 4-182 and 13b-407.

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

C. Appearances

The respondent failed to appear at the hearing.

Wayne Sinclair and Sheldon Lubin, with the Regulatory and Compliance Unit of the department presented the evidence and testified as a witness, respectively.

II. FINDINGS OF FACT

1. The respondent holds a certificate of public convenience and necessity (Number 1558), issued on December 16, 1996 by the department authorizing the transportation of household goods for hire as a household goods carrier in the State of Connecticut.

2. Each mover of household goods is required to renew its permit on a yearly basis, for the calendar year. Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit of the department was assigned to send permit renewal letters to the household goods moving companies.

3. Lubin sent such a letter to the respondent on October 24, 2006 and received no response from the respondent.

4. Lubin attempted to contact the respondent by telephone on several occasions, however he could not make contact with anyone from the company.

5. The Office of the Secretary of the State records show that the respondent business as active.

6. Respondent's notice of hearing was returned to the department with a notation by the U.S. Postal Service "Return to Sender-Not Deliverable as Forwarded-Unable to Forward."

7. The respondent did not appear at the hearing.

III. CONCLUSIONS OF LAW

The Department of Transportation has the jurisdiction to determine matters dealing with the operation of any motor vehicle in the transportation of household goods for hire as a household goods carrier in the State of Connecticut. Section 13b-407 of the Connecticut General Statutes provides that the Commissioner of Transportation may revoke or suspend any certificate or permit for willful and repeated violations of any of the provisions of the Statutes or regulations governing the industry of transportation of household goods within the State of Connecticut.

The respondent is authorized under Certificate Number 1558 to transport household goods within the State of Connecticut. The respondent failed to file its annual certificate of proof of insurance and the intention to continue business, as required by Connecticut General Statutes Section 13b-410c(b). The respondent's state business filing with the Office of the Secretary of the State shows the company to be active; however no answer was received by Sheldon Lubin of the department when he attempted to contact the respondent by telephone. The Notice of Hearing was returned to the department as undeliverable.


The evidence supports the conclusion that the respondent is either no longer in the household goods transportation business or the respondent is showing a willful disregard for the requirements of its household goods moving operation.

V. ORDER

Based on the above, Certificate Number 1558, standing in the name of Systems Furniture Installation, Inc. dba Systems Moving & Storage, is hereby revoked, said revocation shall become effective fifteen (15) days from the date of this Final Decision.

Dated at Newington, Connecticut on this the 6th day of November.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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