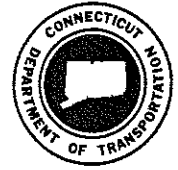


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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546

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(860) 594-2875

ERRATA

DOCKET NUMBER 0707-C-99-HG

RE: IN THE MATTER OF THE CITATION OF ELHAG MOVING
AND STORAGE, LLC DBA DIAMOND MOVING AND
STORAGE

Final Decision

February 15, 2008

I. INTRODUCTION

A. General

By citation dated August 21, 2007, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-407, as amended, Elhag Moving and Storage, LLC D.B.A. Diamond Moving and Storage (hereinafter "respondent"), holder of Certificate Number 1748, was ordered to come before the Department to answer the allegations made therein.

Pursuant to said citation, the respondent was directed to appear at the Newington office of the Department of Transportation to show cause why Certificate Number 1748, issued for the operation of a household goods motor carrier, should not be suspended or revoked or a civil penalty imposed for violation of its household certificate pursuant to the Regulations of Connecticut State Agencies Sections 16-304-F3, 16-304-F4, 16-304-F8, and 16-304-F9.

More specifically, it is alleged that on June 29, 2007, the certificate holder failed to have a headquarters listed in the operating authority.

The citation was served upon the respondent at 7 East Street, Newtown, Connecticut by first class and certified mail and recited the department's reasons for issuing it.

B. Hearing Held

Pursuant to Section 13b-387 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on December 13, 2007.

Notice of the citation and the hearing to be held thereon was given to the respondent and to such other parties as required by Connecticut General Statutes Section 13b-410, as amended.

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

C. Appearances

Aiman Elhag appeared on behalf of the respondent, Elhag Moving and Storage, LLC d.b.a. Diamond Moving and Storage. The respondent's mailing address is 7 East Street, Newtown, Connecticut 06470.

Wayne Sinclair, with the Regulatory and Compliance Unit, presented the department's case in this matter.

Eugene Morris, Public Transportation Transit Inspector, acted as a witness in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Certificate 1748 in the name of Elhag Moving and Storage, LLC d.b.a. Diamond Moving and Storage and has been authorized to operate as a household goods motor carrier from a headquarters in Newtown.

2. Mr. Elhag testified that he was not aware that he had to have an office in Newtown and has been operating from a New York location.

3. The respondent wrote on the application that he filed in 2001, that it would register and insure vehicles in Connecticut after the authority was granted. The respondent was granted authority December 31, 2001 but has not registered or insured vehicles in Connecticut.

4. The respondent's business is not on Newtown's tax list. It has not been listed with the Newtown clerk's office since 2001.

5. The respondent started its moving operation in 1994 in New York.

6. The respondent does not answer calls made to its Newtown headquarters but instead has them forwarded to its New York operation.

7. All of the respondent's vehicles are garaged in New York.

8. Sixty to seventy percent of the respondent's moving business is performed in Connecticut.

9. The applicant plans to open a warehouse in Connecticut and transfer its headquarters to a Danbury location.

10. The respondent has not been manning the Connecticut office four consecutive hours a day, Monday through Friday, as required under its certificate. The respondent claims that it will have someone on site at the headquarters Monday through Friday 8 a.m.-12 p.m.

III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of motor vehicles in household goods moving services in the State of Connecticut accordance with Connecticut General Statutes Section 13b-102, as amended.

Pursuant to Connecticut General Statutes Section 13b-410, the Department may amend or for sufficient cause suspend or revoke any such permit. Further, the Department may impose a civil penalty on any person who violates any provision of the governing chapter or any regulation adopted under Section 13b-389 as amended, with respect to fares, service, operation or equipment, in an amount not to exceed one hundred dollars per day for each violation.

The respondent has been operating its entire household goods moving operation out of New York and not in Connecticut, as it was required to do when it received its operating authority. The respondent is required to have someone on site in Newtown, the headquarters listed in its permit, for four consecutive hours per day to provide quotes and book work. It is also required to keep its records at the headquarters address in Connecticut. All of the intrastate work quoted to customers is to be quoted from the headquarters in Connecticut.

The respondent claims that it had no knowledge of the requirement for a headquarters in Connecticut. This is difficult to believe given the fact that respondent's certificate clearly states that the respondent's headquarters is in Newtown and the respondent was required to designate a headquarters when it applied for household goods authority. The respondent is responsible for learning and adhering to all of the statutes and regulations pertaining to the household goods moving industry. The Department is not responsible for educating the respondent on what is required to hold its certificate in good standing.

Since the respondent failed to have a proper headquarters from June 29, 2007 to the date of the hearing, it is facing a potential fine of \$100 for each day it failed to have a headquarters, pursuant to Connecticut General Statutes Section 3b-410(b). However, since the respondent has not had a citation action against it before, the Department will be lenient on the respondent and assess a civil penalty of \$1,000 for the headquarters violation.

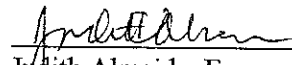
IV. ORDER

Based on the above, the respondent is hereby ordered to pay to the Department of Transportation a civil penalty in the amount of **ONE THOUSAND DOLLARS (\$1,000)**, by certified check, bank check or money order made payable to the "Treasurer, State of Connecticut" within thirty (30) days from the date of the final decision.

Failure of the respondent to comply with this order will result in the revocation of Certificate Number 1748 without further proceeding. This final decision constitutes notice in accordance with Connecticut General Statutes Section 4-182(c).

Dated at Newington, Connecticut on this the 15th day of February 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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