



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1002-C-08-HG

IN THE MATTER OF THE CITATION OF FAIRFIELD COUNTY MOVERS, INC.

FINAL DECISION

March 15, 2010

## I. INTRODUCTION

### A. Citation

By citation dated February 19, 2010 and issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-407 and 13b-410. Fairfield County Movers, Inc. (hereinafter "respondent"), holder of Certificate Number 1741 and 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 Bridgeport, was ordered to come before the department to answer 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 1741 should not be suspended or revoked, or a civil penalty imposed, for violation of its certificate issued pursuant to Section 13b-389. It is alleged that the respondent failed to maintain insurance in accordance with Section 13b-410c of the Connecticut General Statutes and further, failed to provide proof of insurance to the department.

### B. Hearing

Pursuant to Section 13b-407 of the Connecticut General Statutes, the public hearing for this citation was held at the administrative offices of the department on March 4, 2010.

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-410.

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 appeared through its owner, Stephen Courtright, whose mailing address is 11 Bull Road, Harwinton, Connecticut.

Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit of the department presented the evidence on behalf of the Unit.

## II. FINDINGS OF FACT

1. The respondent holds a certificate of public convenience and necessity (Number 1741) from the department authorizing the transportation of household goods for hire as a household goods carrier in the State of Connecticut, which was issued in 1998.
2. Stephen Courtright, the owner of the business worked with his wife maintaining the business.
3. Courtright's wife became ill over the past few years and Courtright let the business lapse.
4. Courtright took employment with a company that provided medical benefits for the benefit of his wife.
5. Courtright maintained insurance coverage up to 2009, but then faced many financial difficulties due to medical bills.
6. The respondent did not provide service to the public for the past two years or while it was uninsured.
7. Courtright would like to re-establish the moving business. He has the box truck that he can repair and put back into service. His son, now out of high school, and his father, will help with the business.
8. Courtright is ready to purchase insurance for the company.
9. Courtright requires a few weeks to allow him to re-establish the business.

## III. DISCUSSION

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 1741 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 failure to do so was not a willful disregard, but rather it was due to unfortunate and extenuating circumstances beyond his control.

The respondent is ready to re-establish its business and maintain compliance in order to fully provide services to the public. Courtright's demeanor and testimony is believable. His circumstances were unfortunate. For reasons stated above, therefore, a minimal civil penalty will be assessed and the respondent will be provided a limited period of time to re-establish its business and begin servicing the public.

#### IV. CONCLUSIONS OF LAW

Fairfield County Movers, Inc. violated the requirements as enumerated in Section 13b-410c by failing to provide proof of insurance to the department, in violation of Connecticut General Statutes Section 13b-410c. Based upon the circumstance for the violations, the respondent will be assessed a minimal civil penalty.

#### V. ORDER

Fairfield County Movers, Inc. is hereby assessed a civil penalty for failing to maintain and provide proof of insurance to the Department of Transportation. Fairfield County Movers, Inc. is hereby ordered as follows:

1. Pay to the Treasurer, State of Connecticut, a civil penalty in the amount of ONE HUNDRED DOLLARS (\$100), made payable through bank check or money order, on or before April 15, 2010.

2. Purchase insurance and provide proof thereof to Sheldon Lubin, utilities examiner for the Regulatory and Compliance Unit of the Department of Transportation no later than May 15, 2010.

Failure to comply with the orders as listed above will result in further citation and may result in suspension or revocation of Certificate Number 1741. This Final Decision constitutes notice in accordance with Connecticut General Statutes Section 4-182.

Dated at Newington, Connecticut on this the 15<sup>th</sup> day of March 2010.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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