

STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2875

DOCKET NUMBER 2201-C-6-HG

RE: IN THE MATTER OF THE CITATION OF WORLDWIDE
MOVING AND STORAGE, INC DBA FATHER AND SON
MOVING AND STORAGE

DECISION

AUGUST 2, 2022

I. INTRODUCTION

A. General

By citation dated April 19, 2022, by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-410b as amended, Worldwide Moving and Storage, Inc dba Father and Son Moving and Storage ("respondent"), holder of Certificate Number 1719, was ordered to participate in a telephone citation hearing scheduled for May 26, 2022, and later continued to two additional hearing dates.

The records of the department indicate that the respondent is the holder of Household Goods Carrier Certificate Number HG1719. The records of the department further indicate that the respondent is in violation of the following Connecticut General Statutes (CGS) and/or Regulations of Connecticut State Agencies:

CGS, Section 13b-392 (Formerly Sec. 16-286): Considerations for granting certificate: suitability.

CGS, Section 13b-394 (Formerly Sec. 16-288): Discrimination prohibited.

CGS, Section 13b-395 (Formerly Sec. 16-289): Change in rates.

More specifically, on January 6, 2022, the department received a complaint from Mr. Larry Ivitible alleging that an incident occurred during a scheduled household goods move on November 9, 2021, between the complainant and three crew members from Worldwide Moving and Storage, Inc dba Father and Son Moving and Storage. The allegations detail a move that was not completed to a professionally acceptable standard as the crew members were not willing to dismantle certain items to move them safely which resulted in damage to the complainant's property. The complainant also presented allegations as to other violations such as improper rates and discrimination.

The citation was served upon the respondent at 346 Quinnipiac Street, Wallingford, Connecticut 06492 by certified mail and recited the department's reasons for issuing it.

B. Hearing Held

Pursuant to Section 13b-414 and 13b-407 of the Connecticut General Statutes, as amended, the public telephone hearing for this citation was held on May 26, 2022, July 7, 2022, and July 27, 2022. At the first hearing date, a continuance was granted when Mr. Petro asked to retain an attorney. 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 Sections 13b-414 and 13b-407, 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

Larry Ivitible appeared as the complainant in this matter. His mailing address is 1854 Dixwell Avenue, Hamden, CT 06514.

Ann Fischer, antiques appraiser, appeared as a witness for Mr. Ivitible. Her address is 459 Danbury Road New Milford CT 06776.

Walter Petro, Carlye Calo and Dennis Knapp appeared on behalf of the respondent in this matter. The respondent was represented by Attorney Timothy Jensen and Attorney Amy Markim. Their mailing address is 180 Glastonbury Boulevard, Suite 210, Glastonbury, CT 06033.

Chris Russell, License and Application Analyst appeared on behalf of the department in this matter.

Mario Andrukiewicz, License and Application Analyst appeared on behalf of the department in this matter.

Felipe Briseno, Supervisor of the Regulatory & Compliance Unit, appeared on behalf of the department in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Certificate 1719 standing in the name of Worldwide Moving and Storage, Inc dba Father and Son Moving and Storage. Walter Petro is the president of respondent company.

2. On October 25, 2021, Mr. Ivitable contracted with the respondent to perform a household goods move from 354 Dunbar Hill Road, Hamden Connecticut to 1854 Dixwell Avenue, Hamden, Connecticut.

3. The respondent performed the household move for Larry Ivitable on November 9, 2021.

4. Mr. Ivitable claims that respondent's agents did not move one of the contracted items and broke several items.

5. The complainant was charged at the incorrect rate tariff rate.

6. The complainant opted to insure the household goods for .60 per pound. Mr. Ivitable did not purchase extra insurance.

7. On November 17, 2021, the complainant contacted the Attorney Generals Office and filed a complaint against respondent.

8. On January 6, 2022, the complaint was referred to the Regulatory & Compliance Unit.

9. A hearing on this matter took place over three days. On the third day, the department and the respondent came to an agreement to settle the matter.

10. The settlement agreement dated July 27, 2022, was offered into the record, and is incorporated into this decision.

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 service in the State of Connecticut accordance with Connecticut General Statutes Section 13b-414 and 13b-407, as amended.

Pursuant to Connecticut General Statutes Section 13b-407 and 13b-414, 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 Connecticut General Statutes Section 13b-389 through 13b-415, as amended, with respect to fares, service, operation or equipment.

As the result of negotiations between the department and respondent's attorneys a settlement was reached in this matter. The settlement agreement dated July 27, 2022, is incorporated into this decision, and will be outlined in the order.

IV. ORDER

Based on the above, Certificate 1719 standing in the name of Worldwide Moving & Storage, Inc dba Father and Son Moving and Storage is required to comply with the requirements outlined in the Settlement Agreement dated July 27, 2022 and attached to this decision.

The respondent will reimburse Mr. Ivitile \$6,200 which is to be paid by the respondent to Mr. Ivitile within 30 days from the execution of a release by Mr. Ivitile.

In addition, the respondent, will be assessed a civil penalty of \$1,500 to be paid to the "Treasurer, State of Connecticut" within thirty (30) days from the date of this decision.

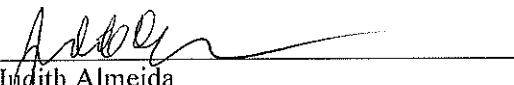
The respondent will develop a more detailed claims process for customer complaints and will submit a draft to the department for approval within forty-five (45) days from the date of this decision.

The respondent will make thirty-six (36) months of quarterly compliance reporting under the new claims process beginning from the date of approval of the new claims process.

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

Dated at Newington, Connecticut on this the 2nd day of August 2022.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
Staff Attorney III
Administrative Law Unit
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O'Sullivan McCormack Jensen & Bliss^{PC}
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Michelle M. Seery[^]

July 26, 2022

CONFIDENTIAL SETTLEMENT COMMUNICATION

VIA EMAIL ONLY

Felipe Briseno, Esq.
Staff Attorney 3
Department of Transportation
2800 Berlin Turnpike
PO Box 317546
Newington, CT 06131-7546

Re: **Settlement Terms**
Docket No. 2201-C-6-HG, Notice of Citation Hearing
Complaint Docket Number HG-01-0622-20
Worldwide Moving and Storage Inc. dba Father & Son Moving and Storage

Dear Mr. Briseno:

As requested, please find a draft of the settlement terms¹ agreed to by Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage and the State of Connecticut Department of Transportation ("DOT") to resolve the issues raised in Complaint Docket Number HG-01-0622-20 and Docket No. 2201-C-6-HG, Notice of Citation Hearing (collectively "DOT Claims"):

- (1) Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage will pay a fine of \$1,500 within thirty (30) days from the order date concluding the DOT claims;
- (2) Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage will develop a more detailed claims process for customer complaints and will submit a draft to DOT for approval within forty-five (45) days from the order date concluding the DOT claims;
- (3) Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage will make 36 months

¹ Resolution of Larry Ivitible's specific claims are subject to a separate release in return for a payment of \$6,200 to fully resolve his claims against Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage. In agreeing to this global resolution with Mr. Ivitible and the DOT, Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage does not admit liability.

Felipe Briseno, Esq.
Staff Attorney 3
Department of Transportation
July 26, 2022
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of quarterly compliance reporting under the new claims process beginning from date of approval of the new process in (2) above.

Agreement to the above terms fully and finally resolves all of the matters identified in DOT's January 11, 2022 letter to Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage (Complaint Docket Number HG-01-0622-20), DOT's April 19, 2022 Notice of Citation Hearing (Docket No. 2201-C-6-HG), and any claims made by Mr. Ivitible and/or DOT during the hearings before Hearing Officer Judith Almeida on May 26, 2022 and July 7, 2022. In return for the agreed to fine and remedial measures identified above, DOT will take no enforcement action against Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage related to Mr. Ivitible's claims, the alleged violations raised in DOT's January 11, 2022 letter and/or DOT's Notice of Citation Hearing. This settlement includes specifically any claims / issues / violations that could have been brought under Connecticut General Statutes §§ 13b-392, 13b-394, and 13b-395 prior to the date of the DOT's January 11, 2022 letter to Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage and any fines or other forms of relief under Connecticut General Statutes §§ 13b-410, 13b-414, and 13b-407.

Sincerely,

/s/ Timothy P. Jensen

Timothy P. Jensen

cc: Worldwide Moving and Storage Inc. dba Father & Son Moving & Storage

O'Sullivan McCormack Jensen & Bliss
Attorneys at Law

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