

**STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546**



PHONE:

(860) 594-2864

DOCKET NUMBER 2302-C-21-HG

RE: IN THE MATTER OF THE CITATION OF SMOOTH MOVING LLC

DECISION

APRIL 4, 2023

I. INTRODUCTION

A. General

The records of the Department of Transportation (department) indicate that you are the holder of Household Goods Carrier Certificate No. HG1814. The records of the department further indicate that you are in violation of the following Connecticut General Statutes (CGS) and/or Regulations of Connecticut State Agencies (RCSA) as amended:

- CGS, Section 13b-392 (Formerly Sec. 16-286): Considerations for granting certificate: suitability.
- CGS, Section 13b-410c(b) (Formerly Sec.16-288): Intrastate household goods carrier certificate. Intrastate motor contract carrier permit. Application. Fee. Regulations re annual fee for filing proof of insurance.
- CGS, Section 13b-410 (Formerly Sec. 16-304): Jurisdiction of Commissioner. Penalties.
- RCSA, Section 16-304-F22: Identification stamp.
- RCSA, Section 16-304-F23: Application for identification stamps.
- RCSA, Section 16-304-F24: List of vehicles operated.

The alleged incident at question violates the terms of the certificate which requires the certificate holder to comply with all pertinent motor vehicle laws and other statutes, and/or rules, regulations, and orders of the department.

More specifically, on February 14, 2023, the department completed an internal review of all 2023 cab card renewals for active household goods carrier certificates. The Regulatory and Compliance Unit found no record of receiving a renewal application or payment for this certificate. The Regulatory and Compliance Unit made multiple attempts to contact the certificate holder during the renewal period and was unsuccessful. After investigating the alleged incident, the department has determined that this certificate is out of compliance, and the investigation findings give the department cause to challenge the suitability of the management for this certificate.

As a result, your company is subject to a hearing and potential penalties pursuant to CGS 13b-410 and 13b-414. Your certificate is also subject to a possible revocation pursuant to CGS 13b-407.

The citation was served upon the respondent at 26 Carriage Drive, Milford, CT 06460 by certified mail and recited the department's reasons for issuing it.

B. Hearing Held

Pursuant to Section 13b-410 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on March 28, 2023. 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-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

The respondent failed to appear at the hearing. The respondent's mailing address is 26 Carriage Drive, Milford, CT 06460.

Linda Sidote, License and Applications Analyst from the Regulatory and Compliance Unit, presented the department's case in this matter.

Felipe Briseno, Staff Attorney 3 with the Regulatory & Compliance Unit also presented the department's case in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Certificate 1814 standing in the name of Smooth Moving LLC.
2. The department sent to the respondent, on three (3) different occasions, a request to file a Household Goods Intrastate Movers Certificate Application and payment by December 31, 2022.
3. On January 11, 2023, the department sent an Out of Compliance Letter to the respondent asking for the application to be filed and certificate fees to be paid by February 3, 2023.
4. A Notice of Hearing was both mailed and emailed to the respondent on March 8, 2023, for a citation hearing to be held on March 28, 2023.
5. The respondent failed to appear at the citation hearing.
6. The respondent has failed to make payment or submit an application for an Intrastate Household Goods Certificate in this matter.

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-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 through 13b-415, 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 was notified of the citation hearing both by email and certified mail and failed to appear at the hearing. There has been no compliance by the respondent in this matter. The department has no choice but to issue a revocation.

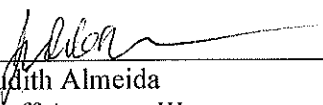
IV. ORDER

Based on the above, Certificate Number 1814, standing in the name Smooth Moving LLC is hereby revoked. The revocation shall become effective on April 28, 2023.

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

Dated at Newington, Connecticut on this the 4th day of April 2023.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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