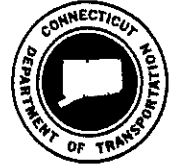




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2864

DOCKET NUMBER 2302-C-38-HG

RE: IN THE MATTER OF THE CITATION OF EXCELSIOR
TRUCKING, INC DBA COLLEGE HUNKS HAULING JUNK &
MOVING

DECISION

APRIL 18, 2023

I. INTRODUCTION

A. General

By citation dated March 8, 2023, by the Department of Transportation (hereinafter “department”), pursuant to Connecticut General Statutes Section 13b-410 and 13b-414 as amended, Excelsior Trucking, Inc dba College Hunks Hauling Junk & Moving (“respondent”), holder of Certificate Number 1772, was ordered to come before the department to answer the allegations made therein.

Pursuant to said citation, the respondent was directed to appear by telephone to show cause why Certificate Number 1772, 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 Connecticut General Statutes Section 13b-407, 13b-410 and 13b-414.

It is alleged that the certificate holder is in violation of the following Connecticut General Statutes and/or regulations:

- 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 in 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 & Compliance Unit found no record of receiving a renewal application or payment of 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 findings of the investigation give the department cause to challenge the suitability of the management for this certificate.

The citation was served upon the respondent at 39 Davenport Street, Bethel, Connecticut 06902 by certified mail and recited the department’s reasons for issuing it. Respondent’s correct mailing address is 4411 West Tampa Bay Boulevard, Tampa, FL 33614.

B. Hearing Held

Pursuant to Section 13b-410 of the Connecticut General Statutes, as amended, the public hearing for this citation was held on April 12, 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

Travis Mellish appeared pro se at the hearing for the respondent. The respondent's mailing address is 4411 West Tampa Bay Boulevard, Tampa, FL 33614.

Mario Andrukiewicz, 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 1772 standing in the name of Excelsior Trucking, Inc dba College Hunks Hauling Junk & Moving.
2. The respondent company was acquired a year ago and is not in compliance with all requirements.
3. The respondent must file the Annual Household Goods Intrastate Movers application, pay for the cab cards, and submit a Power of Attorney to the department.

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-410 and 13b-414, 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.

A review of the record shows that the respondent did not comply with the cab card application and payment. The respondent also needs to submit an updated Power of Attorney. Since the respondent failed to submit the Annual Household Goods Interstate Movers Certificate on time, the respondent is subject to a \$400 civil penalty.

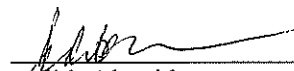
IV. ORDER

Based on the above, Certificate 1772, standing in the name of Excelsior Trucking, Inc dba College Hunks Hauling Junk & Moving will pay a civil penalty of \$400. The respondent must pay the civil penalty of \$400 by certified check, bank check or money order made payable to the Treasurer, State of Connecticut, to the Regulatory & Compliance Unit due on May 4, 2023. The respondent must also file an Intrastate Household Goods Carrier Certificate Application, pay for his vehicles cab cards and file an updated Power of Attorney by May 4, 2023.

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

Dated at Newington, Connecticut on this the 18th day of April 2023.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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