



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION



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

Phone:  
(860) 594-2864

DOCKET NUMBER 2303-C-42-HG

RE: IN THE MATTER OF ELATE MOVING LLC

DECISION

MAY 10, 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. HG1777. 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, the respondent company was subject to a citation hearing and potential penalties pursuant to CGS 13b-410 and 13b-414. The certificate is also subject to a possible revocation pursuant to CGS 13b-407.

The citation was served upon the respondent at 500 West Putnam Avenue, Suite 400, Greenwich, CT 06830 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 April 26, 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

Kevin Britt appeared pro se at the hearing. The respondent's mailing address is 500 West Putnam

Avenue, Suite 400, Greenwich, CT 06830.

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 1777 standing in the name of Elate 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 the fees to be paid by February 3, 2023.
4. A Notice of Hearing was both mailed and emailed to the respondent on March 15, 2023, for a citation hearing to be held on April 26, 2023.
5. Although the respondent did comply, the department did not receive the application and payment in a timely manner. Mr. Britt claims that he mailed the application and payment within the deadline, but it was not received by the department.
6. Mr. Britt was given time to produce a copy of the check and application which he first mailed to the department. There was no proof of this submission ever sent to the department after the hearing.

## 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. Mr. Britt was given an opportunity to show that he did submit the application and payment within a timely fashion. He did not do so. Therefore, there has been no compliance by the respondent in this matter.

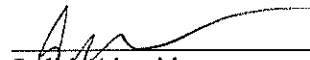
## IV. ORDER

Based on the above, Certificate Number 1777, standing in the name Elate Moving LLC is hereby subject to a \$400 civil penalty. 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 June 6, 2023.

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

Dated at Newington, Connecticut on this the 10th day of May 2023.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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