STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION

2800 BERLIN TURNPIKE, P.O. BOX 317546
NEWINGTON, CONNECTICUT 06131-7546
Phone:
(860) 594-2875

DOCKET NUMBER 0802-C-25-HG

IN THE MATTER OF THE CITATION OF
SONNY'S MOVING & TRUCKING, INC.

FINAL DECISION

May 15, 2009

An Equal Opportunity Employer
Printed on Recycled or Recovered Paper

I. INTRODUCTION

A. Citation

By citation dated May 23, 2008, issued by the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-407, Sonny's Moving and Trucking, Inc. (hereinafter "respondent"), and holder of Certificate Number 1552 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 Bloomfield, Connecticut, 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 1552 should not be suspended or revoked for failing to provide current proof of insurance through the filing of its annual intrastate permit application for a households goods carrier in violation of Connecticut General Statutes Section 13b-410c(b) and for failing to provide accurate certificate holder information through its annual filing with the commissioner of transportation, in violation of Connecticut General Statutes Section 13b-410c(a).

The citation was sent to the respondent by first class and certified mail and recited the department's reasons for issuing same.

B. Hearing

Pursuant to Section 13b-407 of the Connecticut General Statutes, the first day of public hearing for this citation was held on June 12, 2008 and was continued to and held on June 24, 2008, July 25, 2008 and April 27, 2009. The respondent appeared at all of the hearings except the last.

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-407. Notice was given by certified mail, all of which notices were signed for except for the last notice for the hearing scheduled on April 27, 2009. That return card was not received by the department, but the United States Postal Service confirmation was included in the file. Said notice was delivered to Bloomfield on April 14, 2009 as confirmed by the Track and Confirm search results option on the United States Postal Service Website.

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 the secretary and book-keeper of the company, Audrey Strums, also the wife of the owner of the respondent company.

Wayne Sinclair and Sheldon Lubin, with the Regulatory and Compliance Unit of the department, presented the case and appeared as witnesses, respectively.

II. FINDINGS OF FACT

1. The respondent holds a certificate of public convenience and necessity (Number 1552) from the department authorizing the transportation of household goods for hire as a household goods carrier in the State of Connecticut.

2. On October 25, 2008, Sheldon Lubin, utilities examiner with the Regulatory and Compliance Unit, sent a letter to the respondent advising that the respondent was required to purchase its permits and provide proof of insurance by December 31, 2007.

3. The respondent failed to purchase its annual permits by December 31, 2007 and they were still not purchased by February 28, 2008 nor had proof of insurance been forthcoming.

4. As of the date of hearing on April 27, 2009, no evidence was introduced to show that the insurance required to be purchased and filed with the agency has been done so.

5. The respondent did not appear on the last hearing date of April 27, 2009.

III. CONCLUSIONS OF LAW

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.

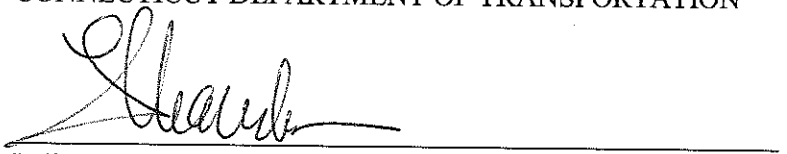
The respondent has been afforded ample opportunity to purchase insurance and provide proof of said insurance to the department. Presently, a Cease and Desist Order is in effect for the protection of the public, since the respondent did not hold insurance during the pendency of this hearing. The department has no alternative but to revoke Certificate Number 1552 since the respondent cannot operate a household goods moving service without insurance for the benefit of the public.

IV. ORDER

Therefore, based on the above, Certificate Number 1552, standing in the name of Sonny's Moving and Trucking, Inc., is hereby revoked.

Dated at Newington, Connecticut on this the 15th day of May 2009.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Laila A. Mandour
Staff Attorney III
Administrative Law Unit
Bureau of Finance and Administration