



STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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DOCKET NUMBER 1011-C-98-HG

RE: IN THE MATTER OF THE CITATION
OF PROFESSIONAL MOVERS, LLC.

RECONSIDERATION PURSUANT TO APPEAL

October 17, 2011

I. INTRODUCTION

A. Chronology of Events

On October 19, 2010, a Memorandum of Decision was issued by Judge Hartmere in the matter of Arif Suhail v Syed M. Agha. The court ordered that the partnership which operated the respondent, Professional Movers, be dissolved and that the assets of the corporation be distributed to the plaintiff, Arif Suhail, along with the assets of the business, which were three trucks. The plaintiff, Suhail, also was responsible for paying back the note to the individual that sold them the business initially, Jim Fahey. The defendant assumed a loan to the Newtown Savings Bank.

B. Citation

By citation dated November 22, 2010, issued by the Regulatory and Compliance Unit of the Department of Transportation (hereinafter "department"), pursuant to Connecticut General Statutes Section 13b-407, Professional Movers, LLC (hereinafter "respondent"), of 21 Bridge Street, Second Floor, Westport, Connecticut, and holder of Certificate Number 120, 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 Westport, 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 120 should not be suspended or revoked for violation of Connecticut General Statutes Section 13b-398, for operating in the transportation of household goods for hire without proper authorization, to wit: for remaining in business while the certificate holder was no longer in existence or registered as a legal entity with the office of the Secretary of the State.

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

C. Hearing

Pursuant to Section 13b-407 of the Connecticut General Statutes, the public hearing for this citation was held on December 21, 2010 at the Newington office of the department, 2800 Berlin Turnpike, Newington, Connecticut.

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.

D. Appearances

The respondent appeared through Arif Suhail and was represented by Allen A. Currier, Esq. whose address is 258 Spielman Highway, Post Office Box 2033, Burlington, Connecticut. The respondent's address is 21 Bridge Square, 2nd Floor, Westport, Connecticut. Syed Agha's address of record with the Department is 2297 Post Road, Fairfield, CT 06824.

E. Final Decision

On January 5, 2011, the department issued a final decision which reissued the respondent's certificate 120 in the name of Jim Fahey Moving and Storage LLC. There was no appearance by Syed Agha at the citation hearing.

F. Court Appeal

On February 18, 2011, Syed Agha instituted an appeal against the department for reissuing the certificate. Final Judgment in the appeal entered on June 22, 2011, by Judge Levine instructing the department to consider the matter again.

II. JURISDICTION

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.

Having considered the entire record of the citation in this matter, the following findings of facts are found:

III. FINDINGS OF FACT

1. Household goods moving certificate 120 was issued to Professional Movers LLC through sale and transfer from Jim Fahey d/b/a Jim Fahey Moving and Storage on March 28, 2008. (Connecticut Department of Transportation Decision, Application Number 0801-S-09-HG, March 28, 2008.)

2. The background of this company was well detailed in the Findings of Facts of the Memorandum of Decision issued by the Honorable Michael Hartmere in the superior court at Bridgeport, Connecticut. Those findings are incorporated by reference for the purposes of this Final Decision. See Arif Suhail vs Syed M. Agha, Memorandum of Decision CV09 502-75-28S, Superior Court, J.D. of

Fairfield at Bridgeport, October 19, 2010.) Said Memorandum of Decision is attached hereto and made a part hereof as Appendix I.

3. At its inception, Professional Movers LLC consisted of two members, Arif Suhail and Syed Munir Aga (Agha). The two members worked together for approximately one year, when several problems ensued between the owners of the company. The problems between the owners included Agha diverting the moving business to and operating it from an office in Fairfield, Connecticut.

4. As a result, Suhail filed a law suit against Agha and requested judicial dissolution of the company known as Professional Movers LLC. After a seven day trial, the court dissolved Professional Movers LLC in accordance with Suhail's request. The Court ordered that the three trucks owned by the dissolved company be transferred to the plaintiff, Suhail. The Court also ordered Suhail to assume the responsibility for any outstanding balance on the note to Jim Fahey (the original transferor of Certificate 120) for the company's purchase.

5. Thereafter, through counsel in a letter dated November 12, 2010, Suhail advised the Regulatory and Compliance Unit of the court case and of the resulting dissolution. Suhail requested that the Department of Transportation effectuate a transfer and allow Suhail, through his newly formed company, Jim Fahey Moving and Storage LLC, to continue operation under certificate number 120. No response was forthcoming from the Regulatory and Compliance Unit, other than the instant citation filed against Professional Movers LLC.

6. On January 5, 2011, the department issued a final decision which reissued the respondent's certificate 120 in the name of Jim Fahey Moving and Storage LLC. There was no appearance by Syed Agha at the citation hearing.

7. On February 18, 2011, Syed Agha instituted an appeal against the department for reissuing the certificate. Final Judgment in the appeal entered on June 22, 2011, by Judge Levine instructing the department to consider the matter again having vacated the department's order.

8. The citation matter was reconsidered based on the official record.

IV. CONCLUSIONS OF LAW

The respondent in this matter was dissolved by order of the superior court, Judicial District of Fairfield at Bridgeport and the assets and liabilities of the company were awarded to Arif Suhail, one of the two members of Professional Movers LLC. Suhail established a new business name and contacted the department, through his attorney, to request that certificate number 120 be reissued in the new name of the business. The request resulted in the citation of the respondent.

By order of the Superior Court dated October 19, 2010, the respondent, Professional Movers LLC, was dissolved. The department regrets that it has no other choice but to revoke certificate number 120. The company is not a legal entity and cannot continue as a certificate holder.

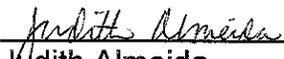
If either of the former partners desires to continue in the moving business they both have the opportunity to reapply to the department by filing a new application for house hold goods authority.

V. ORDER

Based on the forgoing findings and conclusions, Certificate Number 120 is hereby revoked.

Dated at Newington, Connecticut on this the 17th day of October 2011.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



Judith Almeida
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Administrative Law Unit
Bureau of Finance and Administration