

File



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-27-HG

RE: IN THE MATTER OF THE CITATION OF SPACE FITTERS,
INC.

Final Decision

July 7, 2008

I. INTRODUCTION

A. General

By citation dated May 17, 2007, by the Department of Transportation (hereinafter "Department"), pursuant to Connecticut General Statutes Section 13b-410 as amended, Space Fitters, Inc. ("respondent"), holder of Certificate Number 878, was ordered to come before the Department to answer the 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 878, 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-410.

More specifically, it is alleged that on December 31, 2007, the certificate holder failed to file a 2007 annual intrastate permit fee for each vehicle that such household goods motor carrier intended to operate under authority of the Connecticut Department of Transportation in violation of Connecticut General Statutes Section 13b-410c(b).

The citation was served upon the respondent at 68 Nutmeg Road, South Windsor, Connecticut 06074 by first class and 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 June 17, 2008.

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-410, 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

No one appeared on behalf of the respondent, Space Fitters, Inc. The respondent's mailing address is 68 Nutmeg Road, South Windsor, Connecticut 06074.

Wayne Sinclair with the Regulatory and Compliance Unit, presented the Department's case in this matter.

Sheldon Lubin with the Department's Regulatory & Compliance Unit acted as a witness in this matter.

II. FINDINGS OF FACT

1. The respondent is the holder of Certificate 878 in the name of Space Fitters, Inc.
2. On October 24, 2007, Sheldon Lubin sent a letter to the respondent asking for intrastate permit fees to be paid by December 31, 2007.

3. On December 31, 2007, the certificate holder failed to file a 2007 annual intrastate permit fee for each vehicle that such household goods motor carrier intended to operate under authority of the Connecticut Department of Transportation in violation of Connecticut General Statutes Section 13b-410c(b).

4. The respondent failed to file its intrastate permit application since 2004.

5. A Notice of Hearing was sent to the respondent at 68 Nutmeg Road, South Windsor, Connecticut 06074.

6. The Notice of Hearing was not claimed by the respondent and was returned to the Department stamped "Forwarding Order Expired".

7. The respondent failed to appear at the citation hearing on June 17, 2008.

III. DEPARTMENT ANALYSIS AND CONCLUSIONS OF LAW

The Department of Transportation has jurisdiction over matters pertaining to the operation of Household Goods Motor Carriers in the State of Connecticut accordance with Connecticut General Statutes Section 13b-389, 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 failed to file its intrastate permit application and fee since 2004. The Department tried on numerous occasions to contact the respondent by mail or phone without success. Since the respondent failed to appear at the hearing, respondent's livery permit will be revoked.

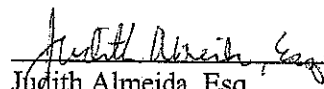
IV. ORDER

Based on the above, Certificate Number 878, standing in the name of Space Fitters, Inc. is hereby revoked. The revocation shall become effective fifteen (15) days from the date of this final decision.

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

Dated at Newington, Connecticut on this the 7th day of July 2008.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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