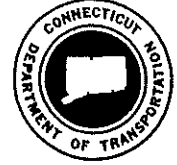




STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



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

Phone:

(860) 594-2864

DOCKET NUMBER 2311-C-139-HG

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

DECISION

FEBRUARY 14, 2024

I. INTRODUCTION

A. General

By citation dated January 9, 2024, 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 and 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-395 (Formerly Sec 16-289) Change in rates
- 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
- RCSA, Section 16-304-F3: Change of Address
- RCSA, Section 16-304-F4: Change of Headquarters
- 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 September 20, 2023, the department received a complaint from Stacey Green regarding damage that was done to her property and that some items were left behind during the move that took place on or about August 31, 2023. After investigating the alleged incident, the department determined that this certificate is out of compliance, and the investigation findings give the department cause to challenge the suitability of the management of this certificate.

The citation was served upon the respondent at 39 Davenport Street, Stamford, Connecticut 06902 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 February 6, 2024. 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, Anthony Thomas and Gregory Mullis appeared pro se at the hearing for the respondent. The respondent's mailing address is 39 Davenport Street, Stamford, CT 06902.

Stacey Green appeared as the complainant. Her mailing address is 503 Opa Lane, Unit B, Stratford, CT 06614.

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 and Moving.
2. The respondent admits it was involved in an unprofessional household move for Stacey Green which occurred on August 31, 2023, in which items were damaged and left behind.
3. The respondent has not filed the Annual Household Goods Intrastate Movers application or paid for cab cards.
4. The applicant has not followed its approved tariff.
5. The address on the respondent's Secretary of State form is not correct.
6. Utilizing the industry standard cube sheet, the weight of the move is assessed at 1421 pounds. Multiplying 1421 with an insurance rate of .60 per pound results in a total of \$852.
7. Taking into consideration the cost of the items damaged or not moved the department has assessed a figure of \$1,300 (\$800 for the mattress, \$250 for the loss of the mirror and \$250 for loss of the daybed).
8. Adding the \$852 insurance reimbursement to the lost/damaged items total of \$1,300 results in a total of \$2,152.60. After subtracting \$689 still due for the move would result in a refund to Ms. Green if \$1,463.60.
9. The department recommends a civil penalty of \$1,100. The civil penalty is calculated by assessing \$100 each for bill of lading issues, tariff issues and incompleteness of the move and \$800 for not renewing the cab cards for the second time for a total of \$1,100.
10. Last year the respondent had a citation hearing for not renewing its cab cards.
11. The respondent accepts the department recommendation of \$1,463.60 reimbursement to Ms. Green and the \$1,100 civil penalty.

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 performed a substandard household move for Stacy Green in September 2023. The respondent also did not comply with the cab card application and payment, follow its tariff or handle its bill of lading correctly.

Based on the evidence presented the hearing officer will follow the regulatory units proposed disposition of a \$1,463.60 reimbursement to Ms. Green and the \$1,100 civil penalty.

IV. ORDER

Based on the above, Certificate 1772, standing in the name of Excelsior Trucking, Inc dba College Hunks Hauling Junk and Moving will pay a civil penalty of \$1,100. The respondent must pay the civil penalty by certified check, bank check or money order made payable to the Treasurer, State of Connecticut to the Regulatory & Compliance Unit due on March 13, 2024.

The respondent must pay to Ms. Green \$1,463.60 by certified check, bank check or money order by March 13, 2024.

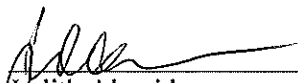
The respondent must also file a Intrastate Household Goods Carrier Certificate Application and pay for vehicles cab cards by March 13, 2024.

The respondent must correct its Secretary of State filing by March 13, 2024.

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

Dated at Newington, Connecticut on this the 14th day of February 2024.

CONNECTICUT DEPARTMENT OF TRANSPORTATION



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