

TO: Beverly Najarian

DEPT: Administration

FROM: Walter Craddock, Esq., Board Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the board on Thursday, October 14, 2004. Also be advised the following

people were present during the hearings: Joseph I. Monteiro, Chief, Enforcement/Regulations, Kathleen Hagerty, Esq., Legal Counsel, and The hearing board members: Walter Craddock, Esq., John St. Angelo,

Dennis Gerstmeyer and Lt. James Demers of the Rhode Island State Police. Absent was Thomas Ricci.

1. Lucien's Auto Sales – First Application

DECISION: The board granted the first application of Lucien's Auto Sales to deal in used motor vehicles, located at 30 Veterans Parkway, East Providence, RI, along with three (3) dealer plates.

This application was granted subject to separating the small company of Glynn's Uphostery from the dealership with a

separate entrance and do the name change to Lucien's Auto Sales on the second hand license and the Auto Body license name, which is to be completed within 90 days from the hearing date.

2. Flagg RV Rhode Island – First Application

DECISION: The board granted the first application of Flagg RV Rhode Island to deal in new Gulfstream, Jayco, Fourwings and Damon recreational vehicles and used motor vehicles located at 229 Quaker Highway, North Smithfield, RI, along with three (3) dealer plates. This application was granted subject to the completion of the proper paperwork for the Gulfstream and Jayco recreational vehicles, zoning letter and site inspection.

3. Metro Honda – Transfer Application

DECISION: The board granted Metro Honda the transfer application from 1667 Hartford Avenue, Johnston, RI to 1880 Hartford Avenue, Johnston, RI. American Honda submitted a letter that the move from 1667 to 1880 Hartford Avenue (proposed): 242 yards is within the 500 yards of the present location. This application was granted subject to completion of the building, second hand license from Johnston, and site inspection.

4. Java Speed Scooter Sales – Additional Franchise – TGN Scooters

DECISION: The board granted Java Speed Scooter Sales the

additional franchise to sell TGN scooters located at 1284 North Main Street, Providence, RI. Dexter Auto Inc., dealer of the same line make vehicles, did not protest.

5. Inskip Infiniti – Transfer Application

DECISION: The board granted the transfer application of Inskip Infiniti from 1515 Bald Hill Road, Building One, Warwick, RI to 1085 Centerville Road, Warwick, RI. This application was granted subject to submitting a copy of the lease, second hand license, and site inspection.

6. Smithfield Motor Sales, Inc. – Show Cause Hearing

DECISION: It was the decision of the board to fine the dealer \$100. For misuse of a dealer plate (86-C) by a non-employee, which is in violation of RIGL 31-3-20 – operation with manufacturers or dealers plates and the Rules and Regulations Section VI Sub-section L – Salesperson/Agent, and \$100. Fine For no inspection sticker – Rhode Island Manual For Vehicle Inspection 1.16 Retail Seller (Dealer). The total of \$200. is to be Paid to the Dealers License & Regulations Office within ten (10) Days upon receipt of the written decision.

7. Joseph Steiner v D & M Auto Sales, Inc. – Complaint/Show Cause Hearing

DECISION: It was agreed by both parties that the complaint be withdrawn, and the dealer buy back the vehicle and

reimburse Mr. Steiner \$2,400.

8. Faith Rainho v John's Motor Company, Inc. – Complaint/Show Cause Hearing

DECISION: It was the board's decision to fine the dealer \$100. for the sale of a vehicle by a non-employee and \$100. For the excess charge on the document fee. The total of \$200. is to be paid to the Dealers' License & Regulations Office within ten (10) days upon receipt of the written decision. The board ruled to void the sale and the dealer reimburse Ms. Rainho the purchase price of \$2,500. she paid for the vehicle; \$498.58 for the towing fee and repairs, and \$75. for the document fee she was charged. The dealer is to reimburse Ms. Rainho the total sum of \$3,073.58 within ten (10) days upon receipt of the written decision.

Additionally, the board ordered an audit on sales beginning January, 2004 and the inspection station Mario's Mobile to be investigated for improper state inspections.

Walter Craddock, Esq.

Board Chairman

cc: Charles F. Dolan, Administrator, Division of Motor Vehicles

John DiTomasso, Assistant Administrator – DMV

Joseph I. Monteiro, Chief, Enforcement/Regulations – DMV

Kathleen Hagerty, Esq., Legal Counsel – DOA

Sandra Murphy-Crowe, Administrator of Adjudication – DOA

Stacy DiCola, Office of the Secretary of State

File