

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
INTER-OFFICE MEMO

TO: Beverly Najarian, Director DATE: May 15, 2006

DEPT: Administrator

FROM: Walter Craddock, Esq., 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 May 11, 2006. Also be advised the following people were present during the hearing: Joseph I. Monteiro, Chief, Enforcement / Regulations and Legal Counsel Susan Wilson, Esq., Division of Legal Services and the hearing Board Members: Walter Craddock, Esq., James Botvin, Dennis Gertsmeier and Lt. David Palmer of The Rhode Island State Police.

Absent was: Thomas P. Ricci.

1. BALD HILL SUBARU-DODGE CHRYSLER (Robert Petrarca, Pres. / Michael McEntee, Esq.)

FIRST APPLICATION:

DECISION: The Board granted Bald Hill Subaru-Dodge Chrysler the application. This application was granted subject to a filing franchise agreement, second hand license, and fictitious name filing, a site inspection and Lamb Motors returning plates to The Division of Motor Vehicles. Twelve new plates were also granted.

2. LAND ROVER WARWICK (Sheree Kaplan Allen, Pres.)

TRANSFER APPLICATION:

DECISION: The Board granted Land Rover Warwick the application. This application was granted subject to a site inspection.

3. DRIVE U.S.A AUTO SALES (Michael J. Cuomo, Pres.)

DECISION: The Board dismissed this case without prejudice because no representative from the dealership was present at the hearing.

4. LAUREL HILL AUTO SALES, INC. (Peter Geneconte, Pres.)

REQUEST FOR THREE ADDITIONAL “USED” DEALER PLATES.

DECISION: The Board granted two (2) additional used dealer plates subject to maintaining four employees at all times.

5. ENTERPRISE CAR SALES (Andrew Taylor, Pres.).

REQUEST FOR TEN ADDITIONAL “USED” DEALER PLATES.

DECISION: This matter was withdrawn.

6. ELECTRA AUTO SALES & SERVICE (Anthony Corsi, Pres.)

REQUEST FOR TWO ADDITIONAL “USED” DEALER PLATES.

DECISION: The Board granted two (2) additional used dealer plates subject to maintaining employees they have on record, bill of sales must have sales tax number, state inspection notice and title section check off.

7. MARIA LIMA V. ROUTE 3 AUTO SALES, INC. (Dennis Rossi, Pres. / Nancy Palmisciano, Esq.)

COMPLAINT / SHOW CAUSE HEARING.

1ST. RESCHEDULED HEARING.

DECISION: This matter was tabled pending further investigation. It was also recommended to Mrs. Lima to contact the State Police.

**8. DIVISION OF MOTOR VEHICLES – ENFORCEMENT /DEALERS
SECTION V. SILVER LAKE AUTO SALES (John Troino, Pres./ John
Harwood, Esq.).**

SHOW CAUSE HEARING

2ND. RESCHEDULED HEARING

**DECISION: This matter was postponed by John Harwood, Esq., who
represents the dealership.**

9. CLIFFORD BROWN V. EPIC AUTO SALES (Nicole Rose, Pres.)

COMPLAINT / SHOW CAUSE HEARING

**DECISION: This matter was settled by the parties during the hearing.
The dealership will reimburse Mr. Brown \$444.90.**

10. DEALERS LICENSE & REGULATIONS OFFICE V. EPIC AUTO SALES (Nicole Rose, Pres.)

SHOW CAUSE HEARING

DECISION: It was the decision of the Board that the Dealer should be fined \$50.00 for a violation of the Rules and Regulations Section VI (P), Hours of Operation. The Dealer should also be issued a written warning for its failure to comply with the Dealers' Office request for a response to a consumer complaint, and the Dealer is ordered to respond to the consumer complaint which gave rise to this matter.

11. KARINA BUTLER V. INSKIP AUDI (Roger Penske Jr. Chairman)

COMPLAINT / SHOW CAUSE HEARING

DECISION: This matter was settled prior to the hearing.

12. PEGGY ANN DARCY V. NORWOOD KIA (Thomas P. Ricci, Pres.)

COMPLAINT / SHOW CAUSE HEARING

DECISION: This case was dismissed with out prejudice because the Complainant was not present at the hearing.

13. AUTOCENTER CHEVROLET (Richard Gudoian, Jr. Pres. / Kimberly O'Brien, Esq.)

FOR DISCUSSION ONLY.

DECISION: The Board approved the dealership to transfer plate #1.

14. IAFRATE AUTO SALES (Jorge Pimental, Partner / Thomas Ginnerty, Esq.)

FOR DISCUSSION ONLY.

DECISION: No action taken. Appeal pending with Department of Administration.

15. AUTO CITY, INC. (Odalis Lajara, VP. / Lidia Sanchez, Esq.)

FOR DISCUSSION ONLY.

DECISION: The Board approved the dealership to add Adan S. Montano as a VP.

16. IRENE HAZARD V. ZIGGY'S AUTO SALES (Richard A. Mann, Pres.)

FOR DISCUSSION ONLY

3RD RESCHEDULED HEARING.

DECISION: This matter was postponed due to lack of quorum on this case.

17. CYBER AUTO SALES (John M. DeSantis, Owner)

FOR DISCUSSION ONLY.

DECISION: Legal Counsel for The Board will write a letter to the hearing officers regarding the status of this dealership's pending Department of Administration appeals.

Walter Craddock, Esq.

Chairman

Cc: Charles F. Dolan, Administrator - DMV

John DiTomasso, Assistant Administrator – DMV

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

Susan Wilson, Esq. Division of Legal Services – DOA

Catherine Warren, Administrator of Adjudication – DOA

Stacy DiCola, Office of The Secretary of State

File