

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

November 3, 2006

TO: Beverly Najarian, Director

DEPT: Administration

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 October 26, 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, Thomas Ricci, Dennis Gertsmeier and Lt. David Palmer of The Rhode Island State Police.

MEETING OF OCTOBER 26, 2006 AT 9:00AM

DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET, RI

02860

1. MARTE AUTO SALES AND REPAIRS (Felix Marte,Owner/General Manager)

FIRST APPLICATION:

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 626 BROAD STREET, PROVIDENCE, RI 02907

DECISION: Application approved and three dealer plates allowed.

2. DIVISION OF MOTOR VEHICLES-DEALERS' V. LINCOLN AUTO SALES AND SERVICE, INC. (Joseph Montuori, Pres.)

COMPLAINT / SHOW CAUSE HEARING

2ND RESCHEDULED HEARING

DECISION: Hearing Board reviewed case and decided to uphold the decision to fine Lincoln Auto Sales \$500.00 for failure to appear.

3. JAMES ROCCHIO V. NORWOOD TOYOTA (Thomas P. Ricci, Pres./ David Igliazzi, Esq.)

COMPLAINT/ SHOW CAUSE HEARING

1ST RESCHEDULED HEARING:

DECISION: The Board has denied the claim, as Mr. Rocchio was made

aware the vehicle had been in an accident from the CarFax supplied to him by Norwood Toyota prior to him taking delivery of the vehicle. Mr. Rocchio failed to pursue his option to refuse the vehicle at that time. Any recourse that Mr. Rocchio may have should be sought from either CarFax or the auction that sold the vehicle.

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HEARING MINUTES

4. NICHOLAS LISI V. A & J AUTO SALES, INC. (John Ciaramello, Pres.)

COMPLAINT / SHOW CAUSE HEARING

1ST. RESCHEDULED HEARING:

Rescheduled at the request of A&J Auto Sales, the lawyer for the dealer was unable to attend. The hearing will be scheduled at the convenience of Nicholas Lisi.

5. LOUISE RICHARDSON V. JIMMY'S AUTO SALES (James A. Pinheiro, Owner)

COMPLAINT / SHOW CAUSE HEARING

Decision: Based on the fact that the vehicle wasn't properly state inspected, the Board has determined that Jimmy's Auto Sales will refund the amount of \$9,917.50 to the Consumer and the Consumer will return the vehicle and the title to Jimmy's Auto Sales. This amount represents the total purchase price of the vehicle of \$12,200.00 minus \$ 1816.50 mileage charge, minus \$466.00 loan payments made by Jimmy's Auto Sales on behalf of the Consumer.

The Board also determined that Jimmy's Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated, which total \$250.00, to the Dealers License & Regulations Office.

Fine: \$50.00: RIGL § 35-5-11(.10)&(.11): Unconscionable practice relating to business as a motor vehicle dealer and for violating a law relating to the sale, distribution or financing of motor vehicles, for the dealers's failure to indicate that another vehicle was taken in trade on the bill of sale.

Fine: \$50.00: RIGL§ 31-38-1 sec. (B): Inspection sticker for used cars for sale required.

Fine: \$50.00: RIGL§ 31.5-5 Failure to perform a written agreement and unconscionable practice relating to business as a motor vehicle dealer, for the dealers' failure to send in the warranty contract.

**Fine: \$50.00: Rules & Regulations Section 6, paragraph L:
Salesperson/Agent.**

**Fine: \$50.00: Rules & Regulations Section 7, paragraph (G-)(3)
Leased cars will be identified as such on bill of sale when sold for
the first time at retail.**

**Walter Craddock, Esq.
Chairman**

Cc: Charles Dolan, Administrator, DMV

John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Susan Wilson, Esq., Division of Legal Services, DOA