

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

February 12, 2007

TO: Beverly Najarian, Director

DEPT: Administration

FROM: Dennis Gertsmeier, Acting 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,

February 8, 2007. Also be advised the following people were present during the hearing: Joseph I. Monteiro, Chief, Enforcement/Regulations and Legal Counsel Marcy Coleman, Esq., Division of Legal Services and the hearing Board members: James Botvin, ,Dennis Gertsmeier and Lt. David Palmer of The Rhode Island State Police.

Absent: Thomas Ricci

Walter Craddock, Esq.

MEETING OF FEBRUARY 8, 2007 AT 9:00 AM

**DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET, RI
02860**

1. STATE AUTO SALES (Michael J. Salvatore, Owner)

REQUEST FOR SIX ADDITIONAL USED DEALER PLATES

LICENSED SINCE: 02-09-89; HAS SIX PLATES.

**DECISION: Granted six (6) additional plates subject to maintaining
eight (8) employees and sales of 412 vehicles a year minimum.**

2. A & T AUTO SALES, LLC (Anthony Vessella, Partner)

REQUEST FOR FIVE ADDITIONAL USED DEALER PLATES

LICENSED SINCE: 03-26-93; HAS THREE PLATES.

**DECISION: Granted four (4), additional plates subject to maintaining
six (6) employees and sales of 277 vehicles a year minimum.**

**3. JOHN W. SANFORD SR. V. CYBER AUTO SALES (Joseph M.
Proietta, Esq. –Estate Lawyer)**

SURETY BOND ACTION:

DECISION: John W. Sanford has been granted the right to file against the 2005 Surety bond of Cyber Auto Sales, number S-238257, issued by National Grange Mutual Insurance Company, in the amount of \$10,500.00.

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HEARINGS MINUTES

4. MELISSA L. JENCKS V. BOBBY D'S CYCLE SERVICE (Robert D. Ambra, Owner)

COMPLAINT / SHOW CAUSE HEARING

DECISION: Based on the fact that the vehicle wasn't properly state inspected and that the title was not provided in a timely manner, the Board has determined that Bobby D's Cycle Service will refund the amount of \$6800.00 to the Consumer and the Consumer will return the vehicle and the title to Bobby D's Cycle Service.

The Board has also determined the Bobby D's Cycle Service was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated which total \$200.00, to the Dealers'

License and Regulations Office.

Fine \$50.00: RIGL § 31-38-1 (b): Inspection sticker for used vehicles for sale is required.

Fine \$50.00: RI Rules & Regulations Sec VI, Paragraph (L): Non-employee allowed to sell vehicle.

Fine \$50.00: RI Rules & Regulations Sec VII, Paragraph (F): The title must pass from the dealer to the consumer at the time of sale unless dealer is to register the vehicle, then a maximum of 20 days shall be allowed from date of sale.

Fine: \$50.00: RIGL § 31-3-40(b): Temporary plates are valid for only 20 days and the expiration date on the tags can not be extended and only the administrator of the department of motor vehicles can issue a second temporary plate.

5. BENJAMIN D. MAGNONE V. DAN SHABO ISUZU (Daniel Shabo, Pres.)

COMPLAINT / SHOW CAUSE HEARING

Complaint was settled prior to hearing date.

6. FOR DISCUSSION ONLY:

LETTER FROM TASCA AUTOMOTIVE GROUP (Tasca Ford, Carl Tasca, Sec/Treas)

REQUESTING NEW DEALER PLATE 7 A-Z BE ISSUED TO TASCA FORD IN RETURN FOR TASCA FORD TURNING NEW PLATE #172 A-Z.

TASCA FORD PURCHASED RIZZO FORD.

DECISION: The transfer of dealer plates 7 A-Z from Rizzo Ford to Tasca Ford has been granted. Tasca will turn in dealer plates 172 A-Z to the Dealers License and Regulations Office.

Dennis Gertsmeier

Acting Chairman

Cc: Charles Dolan, Administrator, DMV

John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File