

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

May 25, 2007

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 , May 24, 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: Walter Craddock, Esq., James Botvin and Dennis Gertsmeier.

Absent: Thomas Ricci

Lt. David Palmer of The Rhode Island State Police.

MEETING OF MAY 24, 2007 – 9:00AM

**DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET,
RI02860**

1. METRO CHRYSLER JEEP (Michael A. Grieco Sr. Pres.)

FIRST APPLICATION.- CASE # K-070-094

**TO DEAL IN NEW CHRYSLER & JEEP MOTOR VEHICLES & USED
MOTOR VEHICLES ONLY.**

AT: 1667 HARTFORD AVENUE, JOHNSTON, RI 02919

DECISION: Application has been conditionally approved subject to the resolution of pending legal issues, including those already brought to the Board's attention and those currently on appeal, and acquisition of a second hand license. No license and no plates will be issued at this time. Metro Chrysler Jeep may not open for business or engage in sales transactions until the license is issued.

2. ELMWOOD AUTO SALES (Michael Ayoub, Member)

FIRST APPLICATION.- CASE # 070-132

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 358 ELMWOOD AVENUE, PROVIDENCE, RI 02907

DECISION: Application has been approved on condition that the complete building is dedicated to the dealership and the application is finalized in 30 days. Three (3) dealer plates have been granted.

3. RHODE ISLAND DEALERS' LICENSE & REGULATIONS OFFICE V.

TARBOX HYUNDAI (Edward Tarbox, Pres.)

ADVERTISING VIOLATION:

Complaint has been withdrawn.

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**4. RHODE ISLAND DEALERS' LICENSE & REGULATIONS OFFICE V.
METRO HONDA / KIA (Michael Grieco, Pres.)**

ADVERTISING VIOLATION:

Complaint has been withdrawn.

**5. WENDY BREENE V. METRO HONDA (Michael Grieco, Pres.)
COMPLAINT / SHOW CAUSE HEARING – CASE # D-07-049**

1ST RESCHEDULED HEARING:

Complainant Wendy Breene has settled with Metro Honda. The complaint will be tabled until the Metro Honda forwards written verification signed by the complainant, Wendy Breene, that all issues

relating to this complaint have been addressed.

6. DANNY ESTRADA V. CORPORATE ONE AUTO SALES (Mark DiTondo, Owner)

COMPLAINT / SHOW CAUSE HEARING .- CASE # D-07-056

1ST RESCHEDULED HEARING:

DECISION: Corporate One Auto Sales has been ordered to pay the Consumer, Danny Estrada, \$13,475.25, which represents the amount paid for the vehicle of \$13,995.00 minus a mileage charge of \$519.75. The vehicle is currently in the possession of Corporate One Auto Sales.

The Board has determined that Corporate One Auto Sales is subject to pay the following fine for failure to appear for this hearing. Fine is due 10 days from the receipt of the decision.

FINES: \$ 300.00

7. MS. ENEROLIZA RODRIGUEZ V. CORPORATE ONE AUTO SALES (Mark DiTondo, Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # D-07-056

1ST RESCHEDULED HEARING:

A continuance of two weeks has been granted at the request of the complainant.

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**8. ERIC SHIELDS V. DAN SHABO ISUZU (Daniel Shabo, Pres.)
COMPLAINT / SHOW CAUSE HEARING. CASE # K-07-076**

**NOTE: The above complaint caption should read as follows:
Dealers' License & Regulations Office v. Dan Shabo Isuzu (Daniel
Shabo, Pres.) Complaint/Show Cause Hearing. Case #K-07-076**

**DECISION: Dan Shabo Isuzu has been ordered to pay a fine for a
second offense of a failure to respond to a complaint. Payment of
fine is due 10 days after the receipt of notification of this decision.**

FINE: \$500.00

**9. DAN SHABO ISUZU (Daniel Shabo, Pres.)
SHOW CAUSE HEARING – CASE # K-07-076**

NOTE: The above complaint caption should read as follows:

Eric Shields v. Dan Shabo Isuzu (Daniel Shabo, Pres.)

Complaint/Show Cause Hearing. CASE # K-07-076

DECISION: Based on the fact that the dealer, Dan Shabo Isuzu, did not provide a title for the vehicle to the Consumer in the time allowed it has been determined that dealer will pay the Complainant, Eric Shields, the amount of \$6,346.36 which is the cost of the vehicle of \$7,162.16 minus \$895.80 allowance for mileage plus \$80.00 which is credit for document and title fees charged in error.

The Board has also determined that Dan Shabo Isuzu was in violation of the following R.I.G.L. and R.I. Rules and Regulations and is required to pay the amounts indicated which total \$600.00 to the Dealers' License and Regulations Office in 10 days from the receipt of the official decision.

Fine \$100.00: Rhode Island Rules & Regulations Sec VII, Paragraph (F): The dealer must provide the title to the consumer within twenty (20) days from the date of the bill of sale.

Fine \$100.00: R.I.G.L. § 31-3-20 (b): Allowed Eric Shields use dealer plate.

Fine \$100.00: Rhode Island Rules & Regulations Sec VII, Paragraph

(E): Bill of sale, number 10270, does not have the required information.

Fine \$100.00: Rhode Island Rules & Regulations Sec VI, Paragraph (N) & (M):

Document fee and title preparation fees exceeded those allowed.

Fine \$100.00: R.I.G.L. § 31-5-11 (10): Having indulged in unconscionable practices relating to the usage of the wrong name of the business, Auto Store, on the temporary plates, TR1 forms, lien release, title and bank agreement.

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Fine \$100.00: Rhode Island Rules & Regulations Sec VI, Paragraph (L): Allowed a non-employee to sell a vehicle.

Dan Shabo Isuzu must begin using corrected bills of sales immediately and submit a revised bill of sale within ten (10) days of

receiving notification of this decision to the Dealers License and Regulations Office.

The proper authorities will be notified of issues concerning a possible fraudulent signature on the title.

Walter R. Craddock, Esq.

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