

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

June 29,2007

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, June 28, 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, Dennis Gerstmeyer and Lt. David Palmer of The Rhode Island State Police.

Absent: Thomas Ricci

MEETING OF JUNE 28, 2007 – 9:00 AM

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

**1. STAMAS AUTO & TRUCK CENTER, INC. II (Leon N. Stamas,
Pres.) REQUEST FOR 6 ADDITIONAL USED DEALER PLATES. CASE
KR-07-168**

LICENSED SINCE 09-28-06; HAS 3 PLATES.

**DECISION: Granted five (5) additional dealer plates subject to
maintaining 15 employees and current level of sales. The bill of sales
must be revised to include corrected fees, dealers' sales tax number
and make reference to the state vehicle inspection law.**

**2. A & T AUTO SALES, LLC (Anthony Vesseella, Member)
REQUEST FOR 1 ADDITIONAL USED DEALER PLATE. CASE #
KR-07-166**

LICENSED SINCE 03-26-93; HAS 7 PLATES.

**DECISION: Granted one (1) dealer plate subject to maintaining the
additional number of employees (7) and sales (271) to keep the
additional dealer plate. The dealer is also required to correct the bills
of sales to include the dealers' state tax number.**

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HEARING MINUTES

3. ALTRUI BROTHERS TRUCK SALES, INC. (Anthony Altrui, Pres. / Mitchell S.Riffkin, Esq.)

V. DAIMLERCHRYSLER VANS, LLC (Patrick W. Douherty, Pres./ George W. Mykulak, Esq.)

COMPLAINT / SHOW CAUSE HEARING. CASE # DS-07-079

DECISION: The board has determined that the statute of limitations to protest has not expired because sales of the Dodge Sprinter did not commence until January, 2007. It has also been determined that Altrui Brothers Truck Sales, Inc. does have standing before the board.

Although Altrui Brothers may have cause for a protest hearing, the remedy sought by the complainant at this time is outside the scope of the statutory authority of the Dealers License and Regulations Board.

4. FLORDALIS M. ROSARIO V. D'AMBRA AUTO SALES (Michael D 'Ambra, Owner)

COMPLAINT / SHOW CAUSE HEARING. CASE # DS-04-264

1ST. RESCHEDULED HEARING

DECISION: Based on the unconscionable business practices of the Dealer in violation of RIGL § 31-5-11(10) and the fact that there was reasonable probability that the complainant returned to D'Ambra Auto Sales within the original thirty (30) day warranty period it has been determined that D'Ambra Auto Sales will pay the complainant \$1681.50, to cover the cost of the replacement engine.

The Board has also determined that D'Ambra Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated which total \$300.00, to the Dealers' License and Regulations Office, 10 days from receiving the written decision.

Fine \$100.00: 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: \$100.00: 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.

**Fine: \$100.00: RI Rules & Regulations Sec VII, Paragraph (D):
D'Ambra Auto Sales failed to maintain copies of all bills of sales.**

**5. BOBBIE-JO JOYAL V. SHANNON MOTORS "MAIN" (John
Gosselin, Pres.)**

COMPLAINT / SHOW CAUSE HEARING. CASE # DS-06-372

1ST. RESCHEDULED HEARING

**Postponed at the request of John J. DeSimone, lawyer for Shannon
Motors.**

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