

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

August 14, 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 , August 9, 2007. Also be advised the following people were present during the hearing: 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 AUGUST 9, 2007 AT 9:00AM

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

1. LA POLLA MOTOR SALES, INC. (Joseph D. La Polla, Pres.)

FIRST APPLICATION. CASE # KR-070-194

TO DEAL IN USED MOTOR VEHICLES ONLY AT:

1591 CRANSTON STREET, CRANSTON, RI 02920.

DECISION: Application has been approved subject to finalization within thirty days. Thirteen used dealer plates, 299 A-M have been granted. The dealer will retain the thirteen new car dealer plates, 299 A-M currently assigned to him, until the used dealer plates can be delivered at which time he will turn in the new dealer plate.

2. LUCAS AUTO SALES (Lucas A. Sano, Member)

TRANSFER APPLICATION. CASE # KR-070-197

FROM: 20 HOMESTEAD AVENUE, PROVIDENCE, RI 02907

TO: 267 THURBERS AVENUE, PROVIDENCE, RI 02907

DECISION: Application has been approved subject to finalization within thirty days.

3. SAL'S TRUCK SALES, INC. (Salvatore Monti, Pres.)

TRANSFER APPLICATION. CASE # KR-070-196

FROM: 167 PUTNAM AVENUE, JOHNSTON, RI 02919

TO: 270-280 PUTNAM PIKE, SMITHFIELD, RI 02917

DECISION: Application has been approved subject to the return of dealer plates, 481 A-C, and license, number 343, for Auto Mall Sales, Inc. by David Loffredo. The transfer must be finalized within thirty days.

HEARINGS MINUTES

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**4. R & S AUTO SALES & AUTO BODY, INC. (Bassil El-Khoury, Pres.)
FIRST APPLICATION. CASE # KR-070-193
TO DEAL IN USED MOTOR VEHICLES ONLY
AT: 950 WELLINGTON AVENUE, CRANSTON, RI 02910**

DECISION: Application has been approved subject to obtaining a second hand license from the City of Cranston and finalizing within thirty days. Three dealer plates have been granted.

**5. BANNER BUICK PONTIAC-GMC-SAAB, INC. (Michael J. Neri, Pres.)
FRANCHISE ADDITION. CASE # KR-070-195
NEW PONTIAC MOTOR VEHICLES AND USED MOTOR VEHICLES.**

DECISION: Approved subject to submission of a signed franchise agreement within thirty days. No protest received.

6. DONALD WELDON V. ZINK'S AUTO SALES (Frank Zincone, Pres. / Seth Adam Pearlmutter, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #KR-060-366

2ND CONTINUED HEARING.

DECISION: The Board has determined that Zink's Auto Sales will pay the Consumer \$793.43 to cover storage fees which he incurred.

The Board has determined that Zink's Auto Sales is in violation of the following RI Rules and Regulations and RI General Laws and is required to pay the amounts indicated below which total \$32,700.00 within ten days of receiving the official decision. As a result of the following violations the board has decided to suspend the license for Zink's Auto Sales for 90 days. The dealer must return license number 745 and all dealer plates, 641B & C and plate 929L, to the Dealers License & Regulations Office within 10 days of receipt of notification of this decision. A request will be made of the State Police to investigate the possibility of perjury by Zink's Auto Sales in the completion of their 2007 License Renewal Application in regard to the Affidavit signed and sworn to by Frank Zincone stating number of

vehicles sold.

The Division of Taxation will be informed of this hearing so that agency can take appropriate action concerning the missing tax certificates.

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

Fine \$100.00: Rhode Island Rules & Regulations Sec VII (F): Failure to provide a clear title at the time of sale.

Fine \$100.00: RIGL § 31-38-1 (b): All used vehicles sold must be inspected and have a new certificate of inspection affixed to the windshield at the time of sale.

Fine \$100.00: RIGL § 31-5-11: Failure to appear for hearing as requested.

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Fine \$19,450.00: Rhode Island Rules & Regulations Sec VII(d):Failure

to maintain bill of sales records for 195 vehicles sold. Fine equals \$50.00 for first incident and \$100.00 for each additional incident.

Fine \$12,850.00: Rhode Island Rules & Regulations Sec VII(d):Failure to maintain sale tax certificate records for 129 vehicles sold. Fine equals \$50.00 for first incident and \$100.00 for each additional incident.

**7. BOBBIE-JO JOYAL V. SHANNON MOTORS “MAIN” (John Gosselin, Pres. / John J. De Simone, Esq.)
COMPLAINT / SHOW CAUSE HEARING. – CASE #DS 070-107
2ND RESCHEDULED HEARING.**

Continued.

**8. JOSHUA MALAMA V. SHANNON MOTORS “MAIN” (John Gosselin, Pres. / John De Simone, Esq.)
COMPLAINT / SHOW CAUSE HEARING. CASE # DS-070-107
1ST RESCHEDULED HEARING.**

Dismissed without prejudice. Complaint has been resolved.

**9. G’S AUTO SALES (Gbenga Lajayi, Owner)
SHOW CAUSE HEARING. CASE # KR-030-046**

Postponed at the request of John Harwood, Esq. attorney for G's Auto Sales.

10. IRAME JEAN-FRANCAIS V. WESTMINSTER MOTORS, LTD. (Victor Ramos, Pres.)

COMPLAINT / SHOW CAUSE HEARING. CASE # DS-070-066

Continued.

11. FOR DISCUSSION ONLY:

LETTER FROM ATTORNEY ARTHUR M. READ, II REGARDING HIS CLIENT JOHN T. TRAFFORD.

Donald Solomon of the Dealers License and Regulations Office to contact attorney Arthur M. Read to inform him that this Dealers License and Regulations board does not have jurisdiction in this matter.

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