

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

November 20, 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 , November 15, 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 Gerstmeyer and Lt. David Palmer of The Rhode Island State Police.

Absent: Walter Craddock, Esq.

Thomas Ricci

MEETING OF NOVEMBER 15, 2007 AT 9:00 AM

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

**1. DICK SHAPPY VINTAGE AUTO SALES, LLC (Richard V. Shappy,
Sole-Member)**

FIRST APPLICATION:

TO DEAL IN USED & ANTIQUE MOTOR VEHICLES ONLY

AT: 365 CHARLES STREET, PROVIDENCE, RI 02904

DECISION: The application has been approved subject to the dealership acquiring a second hand license from the city of Providence and completing the application process within 30 days. Three (3) dealer plates have been approved.

2. RHODE ISLAND TRUCK SALES (Benjamin B. Viti, Pres.)

FIRST APPLICATION:

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 155 AMARAL STREET, EAST PROVIDENCE, RI 02915

DECISION: The application has been approved subject to a second site inspection and completion of the application process within 30 days. Three (3) dealer plates have been approved.

HEARINGS RESULTS

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3. SMART CENTER WARWICK (Roger S. Penske, Jr. Chairman)

FIRST APPLICATION:

**TO DEAL IN NEW “SMART” VEHICLES AND USED MOTOR VEHICLES
AT: 1557 BALD HILL ROAD, WARWICK, RI 02886**

DECISION: The application has been approved subject to the acquisition of a second hand license from the city of Warwick and the correction of the name on the distributor license to Smart Center Warwick from Smart Center Providence.

Three (3) plates have been granted.

4. GARY FINCKE V. 1010 AUTO SALES (Lisa Rothermel, Pres.)

SURETY BOND ACTION:

DECISION: The Board has granted Gary Fincke permission to file against the 2006 or 2007 Surety Bonds of 1010 Auto Sales , number 69330760, issued by Western Surety Company, for the amount of \$2,432.05.

5. ALTRUI BROTHERS TRUCK SALES, INC. (Anthony D. Altrui, Pres./ Mitchells S. Riffkin, Esq.)

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

PRE-PROTEST HEARING:

ON THE TERMINATION OF THE FREIGHLINER TRUCK FRANCHISE BY DAIMLERCHRYSLER VANS, LLC.

DECISION: The Board has denied the motion to dismiss made by Daimlerchrysler Vans, LLC. Legal counsel for the Rhode Island Dealers' Board will issue a decision.

The complainant, Altrui Brothers Truck Sales, Inc. and the defendant, Daimlerchrysler Vans, LLC have agreed to the following schedule for the exchange of information.

January 1, 2008 Any and all parties who wish to intervene in this case have until this date to intervene.

February 1, 2008 Exchange documents.

March 1, 2008 Fact deposition.

April 1, 2008 Expert reports.

May 1, 2008 Expert discovery.

June 1-2, 2008 Evidentiary hearing.

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6. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres. / John Harwood, Esq.)

SHOW CAUSE HEARING

2ND CONTINUED HEARING

Continued because of a lack of a quorum. David Palmer of the State Police recused himself from the hearing.

7. JAMES T. WASHINGTON V. KING RICHARD'S SUZUKI/SEEKONK ISUZU

(Richard Palumbo, Pres.)

COMPLAINT / SHOW CAUSE HEARING

1st RESCHEDULED HEARING.

DECISION: The Board has determined that King Richard's Suzuki/Seekonk Isuzu is in violation of RIGL §31-5-11(10), for having indulged in unconscionable practices relating to business as a motor vehicle dealer, he has forfeited the right to repair the vehicle. The consumer, James T. Washington is to have the vehicle repaired by an authorized Jeep dealer of his choice within thirty days of the official decision and King Richard's Suzuki/Seekonk Isuzu will pay the repair bill directly to the dealership. The Dealer is also required to identify all fees listed on bill of sale, 10707, including License and Title fee of \$65.00, Doc. Fee of \$95.00 and Prepaid Fee of \$69.00 to the Dealers' License and Regulations Office

The Board has also determined that King Richard's Suzuki/Seekonk

Isuzu was in violation of the following Rhode Island Rules and is required to pay the amounts indicated below, which totals \$2000.00, within 10 days of the formal decision.

Fine: \$1000.00: RI Rules and Regulations Section VI(L): Dealer allowed two people not employees of the dealership to sell a vehicle to the consumer.

Fine: \$1000.00: RI Rules and Regulations Section VII(E): Dealer failed to have the required information on bills of sales. Missing from the bills of sales are the dealers' license number, sales tax number, warranty information, state inspection information and definition of all fees listed.

The Board has ordered the Dealer, King Richard's Suzuki/Seekonk Isuzu who was fined previously for the same violation, to submit copies of all bills of sales for the calendar year of 2007 to the Dealers' License and Regulations Office within ten (10) days after receipt of the official decision for review.

8. FRED'S AUTOHAUS, INC. (Fred Rios, Pres.)

**REQUEST TO HAVE HIS LICENSE REINSTATED, SUSPENDED
OCTOBER 11, 2007 BOARD HEARING.**

DECISION: The Board has approved the reinstatement of Fred's Autohaus, Inc.'s license to do business.

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9. VECTRIX ELECTRIC VEHICLES SALES (Andrew J. Mac Gowan, Pres/ Hannah K. Sullivan Esq.)

REQUEST THE ESCROW ACCOUNT DEPOSITS BE TERMINATED.

DECISION: The Board has determined that the escrow account for Vectrix Electric Vehicles Sales can be terminated subject to inspection of the dealership.

Dennis Gerstmeyer, 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