

RHODE ISLAND DIVISION OF MOTOR VEHICLES

100 MAIN STREET

PAWTUCKET, RI 02860

RHODE ISLAND DEALERS' LICENSE & REGULATIONS OFFICE

Tel. # 462-5733,5734 / Fax # 462-5718

March 13, 2009

TO: Gary Sasse, Director

DEPT: Department of Administration

FROM: James Botvin, 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, March 12, 2009. Board members: James Botvin, Acting Chairman, Thomas Celona and Cpl. David Doucet of the Rhode Island State Police. Also be advised the following people were present during the hearing: Michael Vispo,

Absent: Walter Craddock, Esq.

Dennis Gerstmeyer

Steven Raffa Esq., Division of Legal Services and Richard Interrante.

MEETING OF MARCH 12, 2009 AT 9:00 AM

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

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE FEBRUARY
26, 2009 BOARD HEARING**

The minutes have been reviewed and accepted by the Board.

**2. VICTOR LOPEZ V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)
SURETY BOND ACTION – CASE #DS-08-270**

**Decision: The Board has granted Victor Lopez permission to file
against the 2008 surety bond of Tri-Town Motors, number 101111527,
issued by Travelers Casualty and Surety Company of America, for the
amount of \$2850.00.**

**3. EVARISTO PINEDA V. TRI-TOWN MOTORS (Stephen Olivo, Sole
owner)**

SURETY BOND ACTION – CASE # DS-08-271

Decision: The Board has granted Evaristo Pineda permission to file

against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$6700.00.

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4. KRISTY MEDRANO V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)

SURETY BOND ACTION - CASE # DS-08-278

Decision: The Board has granted Kristy Medrano permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$6500.00.

5. JESSICA AGOSTO V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)

SURETY BOND ACTION – CASE # DS-08-283

Decision: The Board has granted Jessica Agosto permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$8300.00.

6. LUIS PANIAGUA V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)

SURETY BOND ACTION – CASE #DS-08-284

Decision: The Board has granted Luis Panigua permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$4200.00.

7. JESSINYA GARCIA V. TRI-TOWN MOTORS (Stephen Olive, Sole owner)

SURETY BOND ACTION – CASE # DS-08-288

Decision: The Board has granted Jessinya Garcia permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$7900.00.

8. INGRID CASTILLO V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)

SURETY BOND ACTION – CASE # DS-08-289

Decision: The Board has granted Ingrid Castillo permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$7500.00.

9. YDEL SANCHEZ-PIMENTEL V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)

SURETY BOND ACTION – CASE # DS-08-295

Decision: The Board has granted Ydel Sanchez-Pimentel permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$3500.00.

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**10. OVIDIO HINOJOSA./ Miguel R. Hernandez, Esq. V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)
SURETY BOND ACTION – CASE # DS-08-302**

Decision: The Board has granted Victor Lopez permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$2850.00.

**11. ERIN PELLETIER V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)
SURETY BOND ACTION – CASE #DS-08-308**

Decision: The Board has denied Erin Pelletier permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America.

**12. SANDRA AZEVEDO / Frank S. Lombardi, Esq. V. TRI-TOWN MOTORS (Stephen Oilvo, Sole owner)
SURETY BOND ACTION – CASE #DS-09-002**

Decision: The Board has granted Sandra Azevedo permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527,

issued by Travelers Casualty and Surety Company of America, for the amount of \$15,500.00.

13. MICHAEL ABOA V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)

SURETY BOND ACTION- CASE # DS-09-016

Decision: The Board has granted Michael Aboa permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$8900.00.

14. JULIO E. CANDELARIO V. TRI-TOWN MOTORS (Stephen Olivo, Sole owner)

SURETY BOND ACTION – CASE # DS-09-029

Decision: The Board has granted Julio Candelario permission to file against the 2008 surety bond of Tri-Town Motors, number 101111527, issued by Travelers Casualty and Surety Company of America, for the amount of \$12,500.00.

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**15. KAHLAN E. FARIS V. CAPRICE AUTO SALES (Gregory Porcaro,
Pres. / Stephen Dilibero, Esq.)**

COMPLAINT / SHOW CAUSE HEARING – CASE #DS-08-301

2ND RESCHEDULED HEARING

**Postponed at the request of Stephen Dilibero, Esq., lawyer
representing Caprice Auto Sales.**

**16. ELENA MALLOZI / William warren, Esq. V. AMC GROUP MOTOR
SALES (Ronald Giorgio, Owner / Gary J. Allard, Esq.)**

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-08-210

Decision: The Board has determined that the dealership must buy back the vehicle from the Consumer for the amount of \$5,000.00, which represents the amount paid on the original bill of sale. The Consumer must return the vehicle to the dealership from its current location in Florida in running condition.

The Board has determined that AMC Group Motor Sales is in violation of RIGL §31-3-40(b) and is required to pay a fine in the amount of \$100.00 to the Dealers' License and Regulations Office within 30 days of receiving the formal decision.

17. FOR DISCUSSION AND DECISION

DANNY'S AUCTION BARN (David G. Mihailides, Partner)

ADVERTISING ON THE INTERNET SELLING TO THE GENERAL PUBLIC – KR

This discussion has been tabled at the request of Steven Raffa, Esq., State of Rhode Island Division of Legal Services.

18. FOR DISCUSSION AND DECISION

LETTER FROM BENJAMIN VITI OF COMMERCIAL SALES &

**MARKETING, INC. REQUESTING TO AUCTION VEHICLES TO THE
GENERAL PUBLIC –KR**

**This discussion has been tabled at the request of Steven Raffa, Esq.,
State of Rhode Island Division of Legal Services.**

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19. MISCELLANEOUS

LETTER FROM ATTORNEY JOSHUA TEVEROW ON BEHALF OF

**TARBOX HYUNDAI OF 870 QUAKER LANE, WARWICK,
REQUESTING PERMISSION TO HOLD A WEEKEND USED CAR
SALE AT IT'S FORMER LICENSED LOCATION ON MARCH 28 & 29,
2009. – DS**

Decision: The Board has approved the request for a used car sale to be held March 28 and 29, 2009 at the previous locations of Tarbox Hyundai, 405 Quaker Lane, West Warwick, RI. The Board has determined that Tarbox Hyundai will not be required to submit a formal application to the Dealers' License and Regulations Office or to the city of West Warwick, Rhode Island for a license or a permit to do business at this location for this limited sale event.

20. MISCELLANEOUS

**LETTER FORM ATTORNEY JOSHUA TEVEROW ON BEHALF OF
AQUIDNECK AUTOCENTER, INC. REQUESTING NEW DEALER
PLATE # 2 A-Z BE TRANSFERED TO METRO
CHRYSLER-JEEP-DODGE – DS**

Decision: The Board has approved the transfer of dealer plates #2 A-Z from Aquidneck Autocenter, Inc to Metro Chrysler-Jeep-Dodge. Metro Chrysler-Jeep-Dodge must turn in plate series # 99 A-Z to the Dealers' License and Regulations Office and complete this transfer within 30 days.

James Botvin, Acting Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

Steven Raffa, Esq., Division of Legal Services, DOA

File