

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 31, 2009

TO: Gary Sasse, Director

DEPT: Department of Administration

FROM: Dennis Gerstmeyer, 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 26, 2009. Board members: Dennis Gerstmeyer, James Botvin and Thomas Celona.

Also be advised the following people were present during the hearing: Michael Vispo, Steven Raffa Esq., Division of Legal Services and Richard Interrante.

Absent: Walter Craddock, Esq.

Cpl. David Doucet of the Rhode Island State Police

MEETING OF MARCH 26, 2009 AT 9:00 AM

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

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE MARCH 12,
2009 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

2. MISCELLANEOUS:

**LETTER FROM ATTORNEY JOSHUA TEVEROW ON BEHALF OF
NEWPORT AUTOCENTER, REQUESTING “NEW” DEALER PLATE #1
BE TRANSFERED TO A RELATED DEALERSHIP, NEWPORT BMW. –
DS**

**Decision: The Board has approved the transfer of the dealer plates,
number 1 A thru C, from Newport Auto Center to Newport BMW.**

**3. NEWPORT BMW (Peter Capodilupo / Joshua Teverow, Esq.)
REQUEST FOR 23 ADDITIONAL NEW DEALER PLATES.
LICENSED SINCE 05-08-02; HAS 3 PLATES – KR**

**Decision: The Board has approved 23 additional dealer plates
subject to the correction of the bills of sales to reflect, the dealer
license number, odometer reading, warranty information and state**

inspection information. The dealership must also maintain the current number of sales and current number of employees.

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HEARING RESULTS

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

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

3RD RESCHEDULED HEARING

Decision: The Board has ordered the dealership to pay the Consumer \$2,984.32 which represents the 16 payments made by the consumer and to register the vehicle, pay the sales tax and any interest or penalties that result. The dealership must also deliver the vehicle to the Consumer in good operating condition.

The Board has determined that Caprice Auto Sales is in violation of the following Rhode Island General Laws and is required to pay the amounts below which total \$600.00 to the Dealer's License and Regulations Office within 30 days of receiving the formal decision.

Fine: \$600.00: (12 Violations: \$50.00 per Violation): Violation of RIGL §31-3-40(b):

For issuing more than one temporary plate per vehicle without prior permission from the administrator of the department of motor vehicles.

5. TERESA CANDELMO V. DRIVE USA AUTO SALES (Michael Cuomo, Pres. / Michael E. Coughlan, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE #DS-09-015

Postponed at the request of Michael E. Coughlan, Esq., attorney for Drive USA Auto Sales.

6. FRANK J. CHIARA III V. ROUTE 3 AUTO SALES, INC. (Niss Lev. VP)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-09-012

Postponed at the request of the Dealers License and Regulations Office. Hearing notification sent to wrong address.

7. DEALERS' LICENSE & REGULATIONS OFFICE V. CO-OP AUTO SALES & SERVICE (Carlos Angel, Pres.)

SHOW CAUSE HEARING – CASE #KR-09-065

Postponed at the request of Gerard M. DeCelles, Esq., attorney for Co-Op Auto Sales and Service.

8. DEALERS' LICENSE & REGULATIONS OFFICE V. CENTRO AUTO SALES

(Fernando Lopez, Owner)

SHOW CAUSE HEARING – CASE # KR-09-172

Decision: The Board has ordered the dealership to provide copies of all bills of sales in sequential order with the appropriated temporary plate certificate attached if applicable for the years 2006, 2007 and 2008. The Board has also suspended the dealerships privilege to purchase temporary plates for one year from the issued date of the formal decision.

HEARING RESULTS

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The Board has determined that Centro Auto Sales is in violation of the following Rhode Island General Laws and Rhode Island Rules and Regulations and is required to pay the amounts below which total \$1,600.00 to the Dealer's License and Regulations Office within 30

days of receiving the formal decision.

Fine: \$50.00: Failure of the dealership to comply with RI Rules and Regulations regarding Dealers, Manufactures and Rental License pursuant to RIGL 35-5-2 and 31-5.1-3.

Fine: \$50.00: Violation of RIGL §31-5-11(10): For having indulged in unconscionable practices relating to business as motor vehicle dealer.

Fine: \$50.00: Violation of RIGL §31-5-11(11): For having violated any law relating to the sale, distribution or financing of motor vehicles.

Fine: \$50.00: Violation of RIGL §31-3.1-13(b): Failure to maintain records for a period of 5 years in a from prescribe by the division of motor vehicles relating to every vehicle bought, sold, or exchanged by the dealer or received by the dealer for sale or exchange.

Fine: \$1400.00 (\$50.00 per violation): Twenty eight violations of RIGL§31-3-40: Failure to provide records of temporary plates, 28 books missing for the year 2006.

9. FOR DISCUSSION ONLY

PLACE OF BUSINESS & LOCATION OF DEALERSHIPS – DS

A discussion was held among the board members.

Dennis Gerstmeyer, Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

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

Richard Interante

File