

**State of Rhode Island and Providence Plantations
Rhode Island Division of Motor Vehicles
Rhode Island Dealer's License and Regulations Office
100 Main Street, Pawtucket, RI 02860
Tel. # 462-5733,5734 / Fax # 462-5718**

June 1, 2009

TO: Gary Sasse, Director

DEPT: Department of 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, May 28 2009. Board members: Walter Craddock, Esq., Chairman, Dennis Gerstmeyer, 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, and Richard Interrante.

Absent: Steven Raffa, Esq. Division of Legal Services

MEETING OF MAY 28, 2009 AT 9:00 AM

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

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE MAY 14,
2009 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

**2. DEALERS' LICENSE & REGULATIONS OFFICE V. ASPEN AUTO
SALES "MAIN" (Eric Noury, Pres.)
SHOW CAUSE HEARING – DS-09**

Decision: The Board has granted a 30 day extension to the Dealer to submit a surety bond in the amount of \$ 50,000 to the Dealer's License and Regulations Office. The dealerships license to do business will be revoked automatically, with no option for appeal, if the bond is not submitted by June 30, 2009.

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3. DEALERS' LICENSE & REGULATIONS OFFICE V. ASPEN AUTO SALES "ANNEX" (Eric Noury, Pres.)

SHOW CAUSE HEARING – DS-09

Decision: The Board has granted a 30 day extension to the Dealer to submit a surety bond in the amount of \$ 50,000 to the Dealer's License and Regulations Office. The dealerships license to do business will be revoked automatically, with no option for appeal, if the bond is not submitted by June 30, 2009.

4. DEALERS' LICENSE & REGULATIONS OFFICE V. CORDEIRO AUTO SALES

(Evelyn Cordeiro, Partner)

SHOW CAUSE HEARING – DS-09

Decision: The Board has granted a 30 day extension to the Dealer to submit a surety bond in the amount of \$ 50,000 to the Dealer's License and Regulations Office. The dealerships license to do business will be revoked automatically, with no option for appeal, if the bond is not submitted by June 30, 2009.

**5. DEALERS' LICENSE & REGULATIONS OFFICE V. COTOIA
BROTHERS AUTO SALES (Robert Cotoia, Owner)
SHOW CAUSE HEARING – DS-09**

Decision: The Board has granted a 30 day extension to the Dealer to submit a surety bond in the amount of \$ 50,000 to the Dealer's License and Regulations Office. The dealerships license to do business will be revoked automatically, with no option for appeal, if the bond is not submitted by June 30, 2009.

**6. DEALERS' LICENSE & REGULATIONS OFFICE V. INNER-CITY
AUTO SALES, INC. "MAIN" (Olga Downes, Pres.)
SHOW CAUSE HEARING – KR-09**

The Dealer's License and Regulations Office had received a \$50,000 surety bond from the dealership prior to this hearing.

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**7. DEALERS' LICENSE & REGULATIONS OFFICE V. INNER-CITY
AUTO SALES, INC. "ANNEX" (Olga Downes, Pres.)**

SHOW CAUSE HEARING – KR-09

**The Dealer's License and Regulations Office had received a \$50,000
surety bond from the dealership prior to this hearing.**

**8. DEALERS' LICENSE & REGULATIONS OFFICE V. P& P AUTO
SALES**

(Pasquale Raimondo, Owner)

SHOW CAUSE HEARING – KR -09

**Decision: The Board has granted a 30 day extension to the Dealer to
submit a surety bond in the amount of \$ 50,000 to the Dealer's
License and Regulations Office. The dealerships license to do
business will be revoked automatically, with no option for appeal, if
the bond is not submitted by June 30, 2009.**

**9. DEALERS' LICENSE & REGULATIONS OFFICE V. THREE (3) W
AUTO CITY (William Siravo, Owner)**

SHOW CAUSE HEARING – DS-09

Decision: The Board has determined that the dealerships license to

do business shall be revoked and their dealer plates, 510A-E, shall be suspended as of May 28, 2009. The Board has also requested that the Department of Motor Vehicles computer system be updated immediately to reflect the suspension of the dealer plates and that the West Warwick Police be notified.

10. DEALERS' LICENSE & REGULATIONS OFFICE V. TRIBUTE AUTO SALES AND SPA (Todd Walker, Member)

SHOW CAUSE HEARING – DS -09

The Dealer's License and Regulations Office had received a \$50,000 surety bond from the dealership prior to this hearing.

Dennis Gerstmeyer excused himself from the hearing because of another commitment.

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11. DEALERS' LICENSE & REGULATIONS OFFICE V. VITO'S

AUTO SALES (Vito Matarese, Pres)

SHOW CAUSE HEARING – KR-09

Decision: The Board has granted a 30 day extension to the Dealer to submit a surety bond in the amount of \$ 50,000 to the Dealer's License and Regulations Office. The dealerships license to do business will be revoked automatically, with no option for appeal, if the bond is not submitted by June 30, 2009

12. PAOLA JORDAN V. GARCIA AUTO SALES (Jose Perez, Pres. / Emili Vazire, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-09-085

1ST RESCHEDULED HEARING

Decision: The Board has ordered the dealership to buy back the vehicle from the Consumer because he is in violation of RIGL § 31-38-1, for \$3,816.06 which represents the original price of the vehicle of \$1400.00 plus the amount paid for repairs made by the Consumer of \$2416.06.

The Board has determined that Garcia Auto Sales is also in violation of the following Rhode Island General Laws and Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$300.00 to the Dealers License and Regulations Office within 30 days of receiving the formal decision.

Fine: \$100.00 (2 Violations: \$50.00 per violation) Violation of RIGL 31-38-1: For having sold two vehicles without the proper inspection of the vehicle and without a current inspection sticker being affixed to the vehicle.

Fine: \$ 50.00 Violation of RI Rules and Regulations VI (L): Non-employee was allowed to sell a vehicle to a consumer.

Fine: \$ 50.00 Violation of RI Rules and Regulations VI (Q): Dealer displayed vehicle for sale by his dealership not at his place of business.

Fine: \$100.00 (2 Violations: \$50.00 per violation) Violation of RI Rules and Regulations VII (E): First violation as a result of not issuing a bill of sale when vehicle was sold to Onasis Martinez. Second violation as a result of the proper language being missing on bill of sale when the vehicle was sold to Paola Jordan.

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**13. FRANK J. CHIARA III V. ROUTE 3 AUTO SALES, INC. (Niss Lev,
VP / Seth Adam Perlmutter, Esq.)**

COMPLAINT / SHOW CAUSE HEARING – DS-09-012

4TH RESCHEDULED HEARING

POST-PONED BY ATTORNEY SETH ADAM PERLMUTTER.

**Postponed at the request of Seth Adam Perlmutter, Esq. attorney for
Route 3 Auto Sales, Inc.**

14. FOR DISCUSSION AND DECISION

**LETTER FROM JOSHUA TEVEROW, ESQUIRE REGARDING HIS
CLIENT TARBOX HYUNDAI BIG LOT – KR-09**

**Decision: The Board has approved the request to allow Tarbox
Hyundai Big Lot to reschedule the used car sale to June 27 and 28,
2009, or one weekend within 30 days of the current scheduled date, 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.**

Walter Craddock, Esq. Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

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

Richard Interrante

File