

**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 12, 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, June 11, 2009. Board members: Dennis Gerstmeyer, 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, and Richard Interrante.

Absent: Walter Craddock, Esq.

Steven Raffa, Esq., Division of Legal Services

MEETING JUNE 11, 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 28,
2009 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

2. RICK'S RI AUTOS SALES, INC. (Richard C. Porcelli, Pres.)

ANNEX APPLICATION – CASE # KR-09

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 1039 MAIN STREET, WEST WARWICK, RI 02893

**MAIN: LOCATED AT 301 PROVIDENCE STREET, WEST WARWICK, RI
02893**

**Decision: The Board has approved the annex application subject to
the Dealership finalizing with the Dealer's License and Regulations
Office within 30 days. No additional plates have been approved.**

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HEARING RESULTS

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

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

5TH RESCHEDULED HEARING

Decision: The Board has determined that the vehicle in question is covered by the warranty, 1000 mile/30 day 50/50 repair cost, issued on the date of sale based on the fact that the mileage on the vehicle when inspected by the dealer was 99154 and that the mileage on the vehicle when it was inspected in Massachusetts was 100122 at which time the problem with the vehicle was discovered. The complainant must return the vehicle to the Dealer to be repaired. The cost of the repair will be shared by the Dealer and the Complainant, each being responsible for 50 percent. The vehicle must be repaired within two weeks of its return to the dealership. The Dealership and Complainant must advise Donald Solomon at the Dealer's License and Regulations Office of the progress of this order.

4. ELENA MALLOZI V. AMC GROUP MOTOR SALES (Ronald Giorgio, Owner/ Cory J. Allard, Esq.) – CASE # DS-08-210

Decision: The Board has dismissed this case without prejudice.

**5. JEEFREY EXILUS V. AMC GROUP MOTOR SALES (Ronald Giorgio, Owner / Cory J. Allard, Esq.)
COMPLAINT / SHOW CAUSE HEARING –CASE # KR-09-059
2ND RESCHEDULED HEARING**

Decision: The Board has determined that the Dealership shall return the \$2400.00 deposit to the complainant since there is a lack of evidence to indicate that the complainant was aware he would forfeit the deposit if he did not complete the sale by a date defined by the Dealership.

The Board has also determined that AMC Group Motor Sales is in violation of the following RI Rules and Regulations and is required to pay the amounts listed below which total \$100.00 to the Dealer's License and Regulations Office within thirty days of receipt of the formal decision.

Fine: \$50.00: Violation of RI Rules and Regulations 7(E): Failure to have the dealership license number printed on the bill of sale.

Fine: \$50.00: Violation of RI Rules and Regulations 7(E): Failure to have the requirement for state inspection for all vehicles sold printed on the bill of sale.

The Board has instructed the Dealer to correct the name to AMC Group Motor Sales on all of the Dealership documents.

HEARING RESULTS

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6. FRANK MEDINA V. COASTAL INTERNATIONAL TRUCKS, LLC (Jay Johnson, General Manager)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-09-031

1ST RESCHEDULED HEARING

This case has been continued to allow Elmo Jimenez the opportunity to insure that his legal representative, Victor Barretta, Esq. will be available to attend the hearing, currently rescheduled for June 25, 2009.

7. ELMO JIMENEZ V. COASTAL INTERNATIONAL TRUCKS, LLC (Jay Johnson, General Manager)

COMPLAINT / SHOW CAUSE HEARING – CASE #KR-09-047

1ST RESCHEDULED HEARING

This case is to be continued to allow Elmo Jimenez the opportunity to insure that his legal representative, Victor Barretta, Esq. will be available to attend the hearing, currently rescheduled for June 25, 2009.

Dennis Gerstmeyer, Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

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

Richard Interrante

File