

**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. # 401-462-5733,5734 / Fax # 401-462-5718**

June 29, 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, June 25, 2009. Board members: Dennis Gerstmeyer, Chairman, James Botvin, 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 OF JUNE 25, 2009 AT 9:00 AM

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

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE APRIL 23,
2009 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

**2. TARBOX MOTORS, INC. (James D. Tarbox, VP / Daniel Stone, Esq.)
REQUEST TO BECOME A USED CAR DEALER – CASE #KR-09
NO LONGER A JEEP FRANCHISED DEALER.**

Decision: The Board has granted the request of the Dealer to change from a new car dealership to a used car dealership and has approved the reissue of new dealer plates 45 A-Z as used car dealer plates. The dealership will return their second set of fifteen new dealer plates, 164 A-O, to the Dealers License and Regulations Office.

PAGE 1 OF 3

PAGE 2 OF 3

Hearing Board Results

3. DEALERS' LICENSE & REGULATIONS OFFICE V. PLANET AUTO SALES, INC. (Vladimir Faryan, Pres.)

SHOW CAUSE HEARING – CASE #KR-09-0104

Decision: The Board has determined that the Dealership is in violation of the following RI Rules and Regulations and RI General Laws and is required to pay the amounts listed below, which total \$750.00, to the Dealers License and Regulations Office within 30 days of receipt of the formal decision.

Fine: \$50.00: Violation of RI Rules and Regulations VII(H): Misuse of dealer plates.

Fine: \$500.00: (5 Violations: \$100.00 per violation) Violation of RI Rules and Regulations VI(L): For allowing non-employees to act as agents of the dealership.

Fine: \$200.00: Violation of RI General Law 31-5-11(10): For having

indulged in any unconscionable practice relating to business as a motor vehicle dealers.

The Board has also determined that the dealerships license to do business and plates shall be suspended for 7 days because it was determined that the person testifying on behalf of the dealership, Arthur Faryan, had lied repeatedly under oath. The Dealership must return their license to do business and dealer plates, 212 A & B to the Dealers License and Regulations Office upon receipt of the formal decision.

4. GREGG CAOQUETTE V. PLANET AUTO SALES, INC. (Vladimir Faryan, Pres.)

COMPLAINT/SHOW CAUSE HEARING – CASE # DS-09-100

The hearing has been rescheduled for two weeks to allow the Dealership and the Consumer to resolve complaint at the request of the Hearing Board. The Dealer and the Consumer must notify the Dealers License and Regulations if this has been resolved. If this complaint has not been resolved another hearing will be scheduled on July 9, 2009.

5. DEALERS' LICENSE & REGULATIONS OFFICE AND YADIRA

SOLER V. RHODE ISLAND AUTOMOTIVE SPECIALIST SALES AND SERVICE (Robert Garrin, Pres.)

COMPLAINT/SHOW CAUSE HEARING – CASE #DS-09-082

Postponed at the request of the Dealers License and Regulations Office because this case must be heard in conjunction with Yadira Soler v Marte Auto Sales and Repairs.

PAGE 3 OF 3

Hearing Board Results

6. YADIRA SOLER V. MARTE AUTO SALES AND REPAIRS (Felix Marte, Owner)

SURETY BOND ACTION – CASE #DS-09-082

Postponed at the request of Robert Garrin, President of Rhode Island Automotive Specialist Sales and Service. Mr. Garrin is currently on vacation.

7. FOR DISCUSSION AND DECISION

CHANGING THE BOARD HEARING DAY FROM THURSDAYS TO ANOTHER WEEK DAY

Decision: The Board decided not to change the current Board hearing day.

Dennis Gerstmeyer, Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

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

Richard Interrante

File