

**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**

August 28, 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, August 27, 2009. Board members: Walter Craddock, Esq., Chairman, Dennis Gerstmeyer, Thomas Celona , James Botvin and Cpl. David Doucet of the Rhode Island State Police. Also be advised the following people were present during the hearing: Steven Raffa, Esq., Division of Legal Services and Richard Interrante.

Absent: Michael Vispo

MEETING OF AUGUST 27, 2009 AT 9:00 AM

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

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE AUGUST
13, 2009 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

**2. KAHLAN FARIS V. CAPRICE AUTO SALES (Gregory Porcaro, Pres./
Steven Dilibero, Esq.)**

**COMPLAINT / SHOW CAUSE HEARING – CASE # DS-09-301
1ST RESCHEDULED HEARING**

Decision: The Board has ordered the Consumer to bring the vehicle to the State of RI Safety and Emission Control Office for inspection within 10 days from receipt of the formal order so that it can be determined what needs to be done to the vehicle to insure its proper operation and to confirm that the list of repairs that the Caprice Auto Sales indicated they performed on the vehicle have been completed.

Page 1 of 3

Page 2 of 3

Hearing Results

**3. DAVID VARGAS V. CAPRICE AUTO SALES (Gregory Porcaro, Pres
/ Steven Dilibero, Esq.)**

**COMPLAINT/ SHOW CAUSE HEARING – CASE # DS-08-285
1ST RESCHEDULED HEARING**

**Compliant was resolved prior to the hearing. Consumer was
reimbursed \$1500.00 for the cost of the warranty policy.**

**4. ELMO JIMENEZ/ James Creighton, Esq. V. COASTAL
INTERNATIONAL TRUCKS, LLC (Jay Johnson, General Manager)**

**COMPLAINT / SHOW CAUSE HEARING – CASE # KR-09-047
2ND RESCHEDULED HEARING**

Postponed at the request of James P. Creighton, Esq. attorney for Elmo Jimenez.

Mr. Jimenez has been hospitalized.

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

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

2ND. RESCHEDULED HEARING

Decision: The Board dismissed the case without prejudice because the consumer failed to show after being properly notified of the hearing.

6. CORY DEARDORFF V. PLANET AUTO SALES, INC. (Vladimir Faryan, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-09-134

1ST RESCHEDULED HEARING

Postponed at the request of Manuel Andrews, Esq., attorney for Planet Auto Sales, Inc.

7. DEALERS' LICENSE & REGULATIONS OFFICE V. NEMO AUTO SALES, INC. (Vincent Volpe, II Pres.)

SHOW CAUSE HEARING – CASE # KR-09-0177

The Board has determined that Nemo Auto Sales Inc. is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$450.00 to the Dealers License and Regulations Office within 30 days of receiving the formal decision.

Fine: \$250.00: Violation of RI Rules and Regulations Section 6(L): For allowing a non-employee to act as an agent of the dealership.

Fine: \$100.00: Violation of RI Rules and Regulations Section 6(R): Failure to safety inspect the vehicle prior to sale.

Page 3 of 3

Hearing Results

Fine: \$100.00: Violation of RI Rules and Regulations Section 7(E): Failure to have the requirement for state inspection for all vehicles sold printed on the bill of sale.

The Board has determined that Mr. Volpe of Nemo Auto Sales, Inc.

must deliver copies of the past twelve months of bills of sales in numerical order to the Dealers' License and Regulations Office within 10 days of receiving the formal decision.

Walter R. Craddock, Esq. Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

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

Richard Interrante

File