

**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**

DATE: September 28, 2009

TO: Gary Sasse, Director

DEPT: Department of Administration

FROM: James Botvin, 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, September 24, 2009. Board members: James Botvin, 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: Richard Interrante.

Absent: Walter Craddock, Esq.

Michael Vispo

Steven Raffa, Esq. Division of Legal Services

MEETING OF SEPTEMBER 24, 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
27, 2009 BOARD HEARING**

The minutes have been reviewed and accepted by the Board.

**2. HURD AUTO MALL, LLC (Christopher Hurd, Member)
FRANCHISE ADDITIONS – CASE # KR-09-227
TO SELL NEW BUICK AND GMC TRUCKS AT:
1705 HARTFORD AVENUE, JOHNSTON, RI 02919**

**Decision: The addition of the Buick and GMC Trucks franchises has
been approved subject to the dealership supplying a bond in the
name of Hurd Auto Mall, LLC at the new location. No protest letters
have been received. No additional plates have been awarded.**

Hearing Results

**3. BAILEY'S MOTOR SALES, INC. (Maureen Bailey, Pres.)
FRANCHISE ADDITION – CASE # KR-09-226
TO SELL NEW JEEP VEHICLES.**

Postponed at the request of the Bailey's Motor Sales, Inc.

**4. GEORGETTE CARR V. ASPEN AUTO SALES, INC. (Eric Noury,
Pres)
SURETY BOND ACTION – CASE # DS-09-181**

This complaint had been resolved prior to this hearing.

**5. YADIRA SOLER V. MARTE AUTO SALES AND REPAIRS (Felix
marte, Owner)
SURETY BOND ACTION- CASE # DS-09-082
2ND RESCHEDULED HEARING.**

Decision: The Board has granted Yadira Soler permission to file a claim against the 2008 surety bond for Marte Auto Sales and Repairs, number 41089593, issued by Platt River Insurance Company, 350 Sansome Street, San Francisco, CA. 94104, for the amount of \$5042.50.

6. RHODE ISLAND DEALERS' LICENSE & REGULATIONS OFFICE V. RHODE ISLAND SPECIALIST SALES & SERVICE (Robert Garrin, / Seth Perlmutter, Esq.)

**COMPLAINT / SHOW CAUSE HEARING – CASE #DS-09-082
2ND RESCHEDULED HEARING**

Continued for decision to October 8, 2009.

7. CORY DEARDORFF V. PLANET AUTO SALES, INC. (Vladimir Faryan, Pres./ Manuel Andrews, Esq.)

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

Decision: The Board has determined that the dealership must buy back the vehicle from the consumer for the amount of \$6070.00 which represents the original purchase price of \$5000.00 plus the costs incurred by the consumer of \$1070.00 for towing and storage fees.

The Board has also determined that Planet Auto Sales is in violation

of the following Rhode Island General Laws and RI Rules and Regulations and is required to pay the amounts listed below which total \$300.00 to the Rhode Island Dealers' License and Regulations Office within 7 days after receiving the formal decision.

Fine: \$250.00: Violation of RI Rules and Regulations Section VII(E): Required information not on the bill of sale.

Hearing Results

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Fine: \$50.00: Violation of RIGL §31-3-40: Dealership exceeded amount allowed to be charged for temporary plates.

The Board has also determined that the dealership's license to do business and plates shall be suspended for 30 days because it was determined the dealership is in violation of RIGL §31-5-11(10): For having indulged in any unconscionable practice relating to business as a motor vehicle dealer. The dealership must return their license do to business, 244, and their dealer plates, 212 A and B to the Dealers License and Regulations Office within 7 days of receiving the formal

decision.

**8. HELEN L. SILVA V. BALISE SUBARU (James Balise, Jr. Pres.)
COMPLAINT / SHOW CAUSE HEARING – CASE # DS-09-160**

Decision: The Board has found in favor of Balise Subaru.

**9. KAHLAN FARIS V. CAPRICE AUTO SALES (Gregory A. Porcaro,
Pres./Steven Dilibero, Esq.)
COMPLAINT / SHOW CAUSE HEARING – CASE # DS-09-301
1ST CONTINUED HEARING**

Decision: The Board has been advised by the State Inspection Garage that upon inspecting the vehicle in question that all required repairs have been completed by the dealership. The Board has determined that this case shall now be considered closed with no monetary compensation by the dealership to the consumer being required.

James Botvin, Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

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

Richard Interrante

File