

**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**

November 16, 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, November 12, 2009. Board members: Walter Craddock, Esq., Chairman, Thomas Celona , James Botvin and Sgt. 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.

Absent: Dennis Gerstmeyer

Michael Vispo

Richard Interrante

**MEETING OF NOVEMBER 12, 2009 AT 9:00 AM AT
PAWTUCKET CITY HALL- CITY COUNCIL CHAMBERS, 3RD FLOOR,
137 ROOSEVELT AVENUE, PAWTUCKET, RI 02860**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE OCTOBER
22, 2009 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

**2. HERB CHAMBERS CADILLAC, INC. (Herbert G. Chambers, Pres. /
Joseph Shekarchi, Esq.)**

TRANSFER APPLICATION – CASE # KR-09-0261

FROM: 101 CADILLAC DRIVE, PROVIDENCE, RI 02907

TO: 1511 BALD HILL ROAD, WARWICK, RI 02886.

**Rescheduled until the next hearing date at the request of the Dealers'
License and Regulations board to allow time for additional
documentation to be submitted by the dealership.**

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HEARING RESULTS

3. BALLARD MACK SALES & SERVICE OF RI INC. (Robert Picking, Pres.)

TRANSFER APPLICATION – CASE # KR-09-0255

FROM: 80 CENTRE OF NEW ENGLAND BLVD. COVENTRY, RI 02816

TO: 280 SCITUATE AVENUE, JOHNSTON, RI 02919

Decision: The Board has approved the transfer application subject to a site inspection, letter from Nissan, a certificate of occupancy for the new location and completion of all required paperwork which must be reviewed and approved by the investigator at the Dealers License and Regulations Office. A letter from Mack Trucks is currently on file and has been approved. No sales or display of vehicles will be allowed at the temporary location of the dealership.

4. MARK MOREHEAD V. BOBBY D'S CYCLE SERVICE (Robert D'Ambra, Pres.)

SURETY BOND ACTION- CASE # DS-09-0186

1 ST RESCHEDULED HEARING

Decision: The Board has granted permission to Mark Morehead to file a claim against the 2005 Surety Bond for Bobby D's Cycle Service,

number 967-001-564, issued by Liberty Mutual Insurance Company, 75 Sockanosset Crossroad, Suite 202, Cranston, RI 02920 for the amount remaining available.

5. JUAN GOMEZ V. CORPORATE ONE AUTO SALES (Gagik Mkrtchian, Owner)

(Karla Sherman)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-09-0229

Decision: The Board has ordered Corporate One Auto Sales to pay the consumer \$2000.00 to cover the cost of the vehicle or a replacement for the vehicle which was repossessed by Capital Auto Sales, Inc. within 15 working days of this hearing. The dealership was advised to contact the State Police to investigate the fraudulent sale of the vehicle to them from the previous owner. Capital Auto Sales has been given permission to obtain a new title in their name for the vehicle.

6. DEALERS' LICENSE & REGULATIONS OFFICE V. ESPAILLAT MOTORS CXA, INC. (Crescencio Alberto Guzman, Pres.)

SHOW CAUSE HEARING – CASE # DS-10-09

Decision: The Board has determined that the dealership license and plates shall be suspended immediately if upon investigation by Donald Solomon it is found that a surety bond is not currently in effect for 2009. The dealership is also been ordered to supply a

certified financial statement and/or a \$50,000 line of credit for the new officer being added, Jose Valesques.

The Board has also determined that Espaillat Motors CXA, Inc. is in violation of the following Rhode Island General Laws and is required to pay the amounts listed below which total \$200.00 to the Rhode Island Dealers' License and Regulations Office with in 10 days of receiving the formal decision.

Fine: \$200.00: Violation of RIGL 31-23.2-12: Dealer required to maintain a \$50,000 surety bond in effect at all times.

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Hearing Board Results

7. FOR DISCUSSION ONLY:

DISCUSSION ON RULES AND REGULATIONS DEFINITIONS.

The Board has asked that Steven Raffa, Esq. confer with the Dealers' License and Regulations Office to define the definition of an employee of a dealership.

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