

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

May 13, 2010

TO: Rosemary Booth-Gallogly

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, May 13, 2010. Board members present: Dennis Gerstmeyer, Chairman, James Botvin, and Sgt. David Doucet of the Rhode Island State Police. Also be advised the following person was present during the hearing: Steven Raffa Esq., Division of Legal Services.

Absent: Walter Craddock, Esq., Thomas Celona, Michael Vispo and Richard Interrante

MEETING OF MAY 13, 2010 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: 04-08-2010
BOARD HEARING**

Minutes have been reviewed and accepted by the board.

**2. AUTOSPORT SALES & COLLISION, INC. (Anthony Renzi,
Pres./Joshua Teverow, Esq.)**

**FIRST APPLICATION – CASE # KR-10-110
TO DEAL IN USED MOTOR VEHICLES ONLY
AT 640 ATWOOD AVENUE, CRANSTON, RI 02920**

James Botvin has recused himself from this hearing.

Decision: The Board has approved this application subject to a site inspection and submission to the Dealers License and Regulations Office a copy of a \$50,000 line of credit and a copy of the lease agreement for this property. Three dealer's plates have been granted.

**3. DEALERS' LICENSE & REGULATIONS OFFICE V CAPRICE AUTO
SALES**

(Shawn Tran, Pres.)

SHOW CAUSE HEARING – CASE # DS-10-112

Postponed because a lack of a quorum for this case.

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4. ERIC NOURY (John Harwood, Esq.)

REQUEST TO SPEAK TO THE BOARD – CASE # DS-2010

Postponed at the request of John Harwood, Esq., due to his appearance before the Federal Grand Jury.

5. CARMINE DIFRUSCIA V. BARRY'S MIDDLETOWN GM (Peter Barry, Pres.) – CASE # KR-09-283

COMPLAINT / SHOW CAUSE HEARING

Decision: The Board has ordered the dealership to reimburse the consumer \$471.14 for the repairs made to the vehicle.

The Board has also determined that Barry's Middletown GM is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts below which total \$2000.00 to the Dealer's License and Regulations Office within 10 days of receiving the formal decision.

**Fine: \$1000.00: Violation of RI Rules and Regulations Section VI(R):
Inspection sticker did not meet the requirements of this rule.**

**Fine: \$1000.00: Violation of RI Rules and Regulations Section VI(L):
For allowing a non-employee to act as an agent of the dealership.**

**6. STEVEN STOYANOFF V AUTO COUNTRY SALES & SERVICE, INC.
(Karen Morrow, Pres.)**

COMPLAINT / SHOW CAUSE HEARING –CASE # KR-10-039

Postponed at the request of Robert Colagiovanni, Esq., legal representative of Auto Country Sales and Service, Inc.

7. LEONARD WEISENSEE V SIMS AUTO SALES (Kenneth E Simoneau, Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-09-301

1ST RESCHEDULED HEARING

Decision: The Board has determined that the dealership must buy back the 2003 Ford F150 Truck for \$2,675.00 and the 2002 Kia Van for \$2,660.00 for a total of \$5335.00. No consideration will be allowed for mileage and or repairs to the vehicles.

The Board has also determined that Sims Auto Sales is in violation of the following Rhode Island Rules and Regulation and Rhode Island General Laws and is required to pay the amounts listed below which total \$1500.00 to the Rhode Dealer's License and Regulations Office within 10 days after receiving the formal decision.

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Fine: \$500.00: (2Violations x \$250.00 per violation) Violation of RI Rules and Regulations Section VI(R): For having sold two vehicles without the proper inspection of the vehicles and without a current inspection sticker affixed to the vehicle.

Fine: \$750.00 (3 Violations x \$250.00 per violation) Violation of RI Rules and Regulations SectionVI(L): For allowing a non-employee to

act as an agent of the dealership.

Fine: \$250.00: Violation of RIGL§ 31-5-11(10): For have indulged in any unconscionable practice relating to business as a motor vehicle dealer, issuing duplicate bills of sales.

The Board has also ordered the dealership to supply copies of all bills of sales and auction transactions in numerical order for the previous 12 months to the Dealers License and Regulations Office within 10 days of receiving the formal decision.

8. ELIZABETH A BOWIE V CORPORATE ONE AUTO SALES (Gagik Mkrtchian, Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-09-268

Rescheduled until May 27, 2010 at the request of the Dealers License and Regulations Office to allow Gagik Mkrtchian, owner of Corporate One Auto Sales, to respond to this complaint.

9. PETER GENDREAU, JR V CORPORATE ONE AUTO SALES (Gagik Mkrtchian, Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-10-049

Rescheduled until May 27, 2010 at the request of the Dealers License and Regulations Office to allow Gagik Mkrtchian, owner of Corporate

One Auto Sales, to respond to this complaint.

Dennis Gerstmeyer, Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

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

Richard Interrante

File