

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

August 6, 2010

TO: Rosemary Booth-Gallogly

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, July 29, 2010. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin, Thomas Celona and Sgt. David Doucet of the Rhode Island State Police.

Also be advised the following people were present during the hearing: Marcy Coleman, Esq., Division of Legal Services.

Absent: Michael Vispo

**MEETING OF JULY 29, 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 : JUNE 10, 2010 BOARD HEARING.

Minutes have been reviewed and accepted by the board

**2. DEALERS' LICENSE & REGULATIONS OFFICE V. EAST PROVIDENCE MITSUBISHI (Richard Palumbo, Pres.)
SHOW CAUSE HEARING – CASE # KR-10
1ST RESCHEDULED HEARING**

Decision: The Board has determined that the dealership must return dealer plates # 5 A-0 and dealer's license # 1 to the Dealers' License & Regulations Office by August 1, 2010, and that King Richard's Auto Center, Inc., also owned by Richard Palumbo, located at 377 Taunton Avenue, East Providence, RI 02914 must apply to the Board his request to switch plates from #258 A-G (new) to # 5 A-G (used)

HEARING RESULTS

JULY 29, 2010

3. JOSEPH SADO V KING RICHARD'S AUTO CENTER, INC. (Richard Palumbo, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-10-099

1ST RESCHEDULED HEARING

Decision: The Board has determined that King Richard's Auto Center, Inc., is in violation of RIGL§ 31-5-11 (10), having indulged in any unconscionable practice relating to business as a motor vehicle dealer. The Board has determined that the dealership must reimburse the consumer \$165.59.

The Board has also determined that King Richard's Auto Center is in violation of Rhode Island Rules and Regulations Section VI (M): Title preparation fee and is required to pay a fine totaling \$500.00 to the Dealers License and Regulations Office within 10 days of receiving the formal decision.

4. DIANE BERTOZZI V IANNOTTI BROS SELECT CARS (Ronald G. Iannotti, Partner)

**COMPLAINT / SHOW CAUSE HEARING – CASE # DS-10-135
1ST RESCHEDULED HEARING**

Decision: The Board did not order a buy back as Diane Bertozzi indicated that she wanted to keep the vehicle. Her claim for repair reimbursements was denied as the repairs did not involve safety issues and the repairs were performed outside of the warranty period.

The Board has also determined that Iannotti Bros Select Cars is in violation of RIGL§ 31-38-1 (B): No Inspection Sticker, and is required to pay a fine of \$500.00 to the Dealers License and Regulations Office within 10 days of receiving the formal decision.

The Board has also determined that the case should be referred to the Rhode Island State Police and Division of Taxation for investigation of possible tax fraud.

5. NANCY MAGEE V. PLANET AUTO SALES, INC. (Vladimir Faryan, Pres.)

COMPLAINT/SHOW CAUSE HEARING – CASE # KR-010-0132

Decision: The Board has determined that Planet Auto Sales must buy the vehicle from the consumer for \$5,100.00 and reimburse the consumer \$39.00 she paid for inspections sticker and \$250.00 for towing and storage she paid two days after vehicle was sold.

Page 3 of 3

HEARING RESULTS

JULY 29, 2010

6. MISCELLANEOUS - DS-2010

LETTER FROM RUSSELL D HAMPTON, PRESIDENT OF OCEAN STATE HARLEY –DAVIDSON, INC. REQUESTING PERMISSION TO DISPLAY HARLEY-DAVIDSON MOTORCYCLES AT THE “OK GO” CONCERT AT WATERPLACE PARK PROVIDENCE ON AUGUST 6, 2010 AND THE “COHEED AND CAMBRIA” CONCERT ON SEPTEMBER 3, 2010 IN DOWNTOWN PROVIDENCE.

Decision: The Board has approved permission to display motorcycles for the two events, on the condition that no sales are conducted at the location and salespersons are not present.

7. CARLA RIVERA V. LAS AMERICA AUTO SALES (Julio Quezada, Pres.)

COMPLAINT/SHOW CAUSE HEARING – CASE # KR-010-0170

POST PONED BY CARLA RIVERA

8. FOR DISCUSSION ONLY:

CORDEIRO AUTO SALES (Evelyn Cordeiro, Owner)

Decision: The Board has determined that Cordeiro Auto Sales be rescheduled for August 12, 2010 Hearing and the Board has requested Cordeiro Auto Sales to present a rider to the bond before the Hearing Board.

9. DEALERS' LICENSE & REGULATIONS OFFICE V GARCIA AUTO SALES, INC.

(Jose Perez, Pres.)

SHOW CAUSE HEARING – CASE # KR-090-085

CASE SETTLED

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File