

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

October 19, 2010

TO: Rosemary Booth-Gallogly

DEPT: Department of Administration

FROM: Dennis Gerstmeyer, Acting 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, October 14, 2010. Board members: Dennis Gerstmeyer, James Botvin, and Thomas Celona.

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

Absent: Walter Craddock, Esq., and Sgt. David Doucet of the Rhode Island State Police.

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE:
SEPTEMBER 30, 2010
BOARD HEARING.**

Minutes have been reviewed and accepted by the Board

2. BRISTOL COUNTY AUTO SALES, LLC (Ronald P. Letourneau & Thomas Q. Carcieri, Partners)

FIRST APPLICATION – CASE #KR-10-297

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 205 CHILD STREET, WARREN, RI 02885

Decision: The Board has approved this application subject to the investigator re inspect the site again.

3. SOUTH COUNTY COLLISION CENTER, INC. d/b/a SOUTH COUNTY AUTO SALES (Steven B. Taylor, Pres.)

FIRST APPLICATION – CASE # KR-10-250

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 25 WALT'S WAY, NARRAGANSETT, RI 02882

Decision: Postponed by the dealer

4. AUTOMED AUTO SALES (John Deware, Pres.)

TRANSFER APPLICATION – CASE # KR-10-249

FROM: 55 RIVER ST. WEST WARWICK, RI 02893

TO: 15 ASTER STREET, WEST WARWICK, RI 02893

Decision: Postponed by the dealer

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**5. DC ENTERPRISES, INC. d/b/a VILLAGE MOTOR SALES (Carmin
Demarco, Pres.)**

ANNEX APPLICATION – CASE # KR-10-254

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 975 CHARLES STREET, NORTH PROVIDENCE, RI 02904

Decision: The Board has approved this application subject to

#1. Update employees list

**#2. The dealer understands they must provide W-2 forms and no
1099 are acceptable.**

#3. Subject to a zoning letter from the Town of North Providence.

**#4. Because of number of sales the Board is reducing the number of
dealer plates from 26 TO 12**

6. STATE AUTO SALES (Michael J. Salvatore, Partner)

**REQUEST FOR 14 ADDITIONAL USED DEALER PLATES- CASE #
KR-10-059**

LICENSED SINCE 02-09-89; HAS 12 USED PLATES.

Decision: The Board has denied this application

7. BROSCO MOTORS, INC. (Maria A. Carl, Pres.)

REQUEST FOR 1 MOTORCYCLE PLATE – CASE # KR-10-248

LICENSED SINCE 04-14-89; HAS 7 USED DEALER PLATES

Decision: Postponed by the dealership

**8. DANNY’S AUCTION BARN, LLC (Aniello V. Calise/Joshua Teverow,
Esq.)**

**REQUEST TO REVIEW THE AUCTION DEALERS LICENSE TO SELL
AT RETAIL. – CASE # DS-10**

Decision: James Botvin recused him self from this case.

**The Board has decided that because of previous court case that
grandfathered the special auction dealer license also allows him to
sell at retail, and the Board order the dealership to make sure they**

obey the Rhode Island Rules and Regulations as a retailer dealer including proper inspection sticker at the time of sale.

9. MARCELLA L. KEITH V RUDY'S AUTO SALES (Rudolph A. Delsanto, Owner)

COMPLAINT / SHOW CAUSE CASE # DS-10-175

Decision: The Board has determined the dealership must buy the car back from the consumer for \$3,500.00. Also the Board found the dealership in violation of Rhode Island Rules and Regulations Section VI- (R) : No inspection sticker and is required to paid a fine of \$100.00 to the Dealers' License and Regulations Office within 30 days of receiving the formal decision.

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10. AUDREY E. BOWEN V HURD AUTO MALL, LLC (Cristopher Hurd, Pres.)

COMPLAINT/SHOW CAUSE HEARING – CASE # DS-10-146

Decision: Postponed by the dealership

11. LAWRENCE BALKUS V METRO MOTORS, INC d/b/a METRO HONDA (Michael Grieco, Pres.)

**COMPLAINT / SHOW CAUSE HEARING – CASE # KR-10-160
POSTPONED BY METRO HONDA**

Decision: Postponed by the dealership

12. DANIEL TORTORELLA V. GIOVANNI'S AUTO SALES, INC. (Joseph McNamara, Pres)

COMPLAINT /SHOW CAUSE HEARING- CASE #KR-10-243

Decision: The Board has determined that the dealership must reimburse the consumer \$789.00 for repairs. Also the Board found the dealership in violation of Rhode Island Rules and Regulations Section VII (E): Improper bill of sale and is required to paid a fine of \$100.00 to The Dealers' License and Regulations Office within 30 days of receiving the formal decision.

13 THOMAS CORDIER V JOHN'S MOTOR COMPANY (Chu Hong Kim,

Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-10-187

Decision: This case has been settled, how ever the Board in the investigation found the dealership does not have a proper employees list and has more plates he is entitled to.

The Board has determined that:

- 1. The dealer is in violation of Rhode Island Rules and Regulations Section VI (L) : Allowing a non employee to act as an agent of the dealership and is required to pay a \$100.00 fine the Rhode Island Dealers' License and Regulations Office within 30 days of receiving the formal decision.**
- 2. The Board has reduced the dealership dealer plates from 10 to 5.**

HEARING RESULTS

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14. FOR DISCUSSION / DECISION

LETTER FROM MICHAEL FLORES OF OCEAN STATE HARLEY DAVIDSON, INC. REQUESTING TO DISPLAY HARLEY DAVIDSON MOTORCYCLES AT THE INTERNATIONAL COMBAT ENTERTEINTMENT FRIGHT NIGHT TO BE HELD ON OCTOBER 29, 2010 AT THE RHODE ISLAND CONVENTION CENTER.

Decision: The Board has approved this request subject to no salesperson being present at the event.

**15. DISTINCTIVE MOTOR CARS UNLIMITED (Carl Pellegrino, Owner)
REQUEST TO USE HIS TRAILER LOCATED AT LICENSE LOCATION
1010 PLAINFIELD STREET, JOHNSTON, RI AS AN OFFICE.**

Decision: The Board has approved this request subject to the dealership obtaining permission from the City of Johnston.

Dennis Gerstmeyer, Acting Chairman

Cc: John DiTomasso, Assistant Administrator DMV

Michael Vispo - Chief Commercial/Business

Marcy Coleman, Legal Advisor - DMV