

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

August 30, 2011

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,

August 25, 2011. 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 AUGUST 25, 2011 AT 9:00 AM AT THE

DIVISION OF MOTOR VEHICLES –3RD. FLOOR, CONFERENCE ROOM, 600 NEW LONDON AVENUE, CRANSTON, RI 02920

1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE : JULY 28, 2011 BOARD HEARING.

Minutes have been reviewed and accepted by the board.

**2. J & T AUTO SALES (Toros Jojarjian, Owner)
TRANSFER APPLICATION – CASE # KR-11-228
FROM: 22 C & D ROSELAND AVENUE, WARWICK, RI 02888
TO: 561 PROVIDENCE STREET, WARWICK, RI 02886**

Decision: The Board has approved the transfer application. The Board has also determined based on the last three years of sales that the dealership is no longer qualified for 5 dealer plates per RI Rules and Regulations Section VII (H). The dealership must turn in two dealerships plates , 683 D and 683 E to the Dealers License and Regulations Office when they complete the move to the new location.

**3. KAYLA JARON V 44 AUTO MALL SALES, INC, (David Lofredo, Pres.)
COMPLAINT / SHOW CAUSE HEARING – CASE-DS-11-127**

Postponed at the request of the dealership.

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**4. SANTO N LOMBARDI V FLOOD FORD OF EAST GREENWICH
(Michael Flood, Pres.)**

COMPLAINT / SHOW CAUSE HEARING - CASE # KR-11-056

Decision: The Board has tabled this matter to allow time for both sides to evaluate their cases and provide a brief to the board as to why this board should hear this case.

**5. WAYNE PARE V BALISE VOLKSWAGEN (James E. Balise, Jr.
Pres.)**

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-11-132

Postponed at the request of the dealership.

6. PHYLISS HICKS V INDEPENDENT AUTO SALES (Thomas Dunn, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-11-141

Sgt. David Doucet recused himself from this hearing.

Decision: The Board has found that the complainant was aware the vehicle was salvaged when she purchased it. The Board has determined the complainant has no recourse in this matter.

7. DOMINGA LINCOLN V CENTRAL AUTO SALES (Gary Badessa, Partner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-11-196

Decision: The Board has ordered the dealership to by back the vehicle for the amount of \$1,539.00. The Board has also determined it is the responsibility of the dealership to pick up the vehicle at the storage facility.

Decision: The Board has determined that Central Auto Sales is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$700.00, to the Rhode Island Dealers License and Regulations Office within 10 days

of receiving the formal decision.

Fine: \$300.00: (3 violations x \$100.00 per violation): Violation of RI Rules and Regulations Section VI (L): Allowing non-employees to act as an agent for the dealership.

Fine: \$100.00: Violation of RI Rules and Regulations VI (N): Amount charged was in excess of the authorized fee.

Fine: \$100.00: Violation of RI General Law §31-38-1 (b): No vehicle will be sold by a used car dealer without a new inspection sticker.

Fine: \$100.00: Violation of RI Rules and Regulations Section VII (E): Lack of information on the bill of sale relating to safety inspection requirements.

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**Fine: \$100.00: Violation of RI Rules and Regulations Section VII (E):
The bills of sale are not number as required.**

The Board has determined based on the on the last three years of sales that the dealership is no longer qualified for 3 dealer plates per RI Rules and Regulations Section VII (H). The dealership must turn in two dealerships plates , 511B and 511C to the Dealers License and Regulations Office within 10 days of receiving the formal decision.

The Board has suspended the dealerships license,296, for 14 days for being in violation of Rhode Island General Law 31-5-11 (10) for having indulged in unconscionable practices relating to business as a motor vehicle dealer. The dealership must turn in all dealer plates and the dealership license to do business to the Dealers License and Regulations Office within 10 days of receiving the formal decision.

Walter Craddock, Esq. Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

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

File