

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

December 12, 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, December 8, 2011. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, and Sgt. David Doucet of the Rhode Island State Police.

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

Absent: James Botvin

**MEETING OF DECEMBER 8, 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: NOVEMBER 9,
2011 BOARD HEARING**

Minutes have been reviewed and accepted by the board.

**2. S & S AUTO SALES & REPAIR (Simon H. Sarkisian, Pres)
FIRST APPLICATION – CASE # KR-11-345
TO DEAL IN USED MOTOR VEHICLES ONLY
AT 432 VALLEY STREET, PROVIDENCE, R I 02908**

**Decision: The Board has approved this application and has awarded
three dealer plates.**

**3. 435 WEST LLC d/b/a OXFORD MOTOR CAR SALES (Jon Savage,
Member)
FIRST APPLICATION – CASE # KR-11-346
TO DEAL IN USED MOTOR VEHICLES ONLY
AT 435 WEST AVENUE, PAWTUCKET, RI 02860**

**Decision: The Board has approved this application and has awarded
three dealer plates.**

**4. NICOLE TRAINOR / Jeffery Michaelson, Esq. V. JDJ AUTO SALES (
Paul E. Picerne, Owner / Daniel Calabro, Jr. Esq.) – CASE #**

KR-11-263

COMPLAINT / SHOW CAUSE HEARING

1ST RESCHEDULED HEARING

Postponed because of a lack of quorum for this case.

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5. TARA WITHRIGHT-RAY V DISTINCTIVE MOTOR CARS UNLIMITED (Carl Pellegrino, Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-11-293

This case was settled prior to the hearing with Tara Withright-Ray. The RI Dealers License and Regulations Office has pending violations from this case which will be heard at a later date by the board.

6. PATRICIA STRICKLAND V TOURBILLON TRUCK & TRAILER SALES (Julian P. Forgue, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-11-267

Decision: The Board has determined that the dealership is not responsible for repairing the vehicle.

Decision: The Board has determined that Tourbillon Truck and Trailer Sales is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$300.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$100.00: Violation of RI Rules and Regulations Section VI (L): Allowing a non-employee to act as an agent of the dealership.

Fine: \$100.00: Violation of RI Rules and Regulations Section VII (E): Bills of sale are not numbered as required.

Fine: \$100.00: Violation of RI Rules and Regulations Section VI (Q): All sales must be made from the dealer's licensed place of business.

7. ASHLEY DUSABLON V CALDER STREET AUTO SALES (William Grady, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-11-255

Decision: The Board has dismissed this case in favor of the dealership.

8. TONY W MORALES V APPLE VALLEY AUTO SALES & SERVICE, LLC (Mario Rey, Pres.) CASE # DS-11-285

COMPLAINT / SHOW CAUSE HEARING

Decision: Postponed at the request of the complainant.

**9. JULIE REARDON V CENTRAL AUTO SALES (Gary Baddessa,
Partner)**

CASE # KR-11-238

COMPLAINT / SHOW CAUSE HEARING

Decision: The Board has determined that Central Auto Sales must repair the air conditioner at no charge to the customer.

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 \$500.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

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**Fine: \$500.00: Violation of RI Rules and Regulations Section VI (L):
Allowing a non-employee to act as an agent of the dealership.**

Fine: \$500.00: Violation of RI General Law § 31-38.1(b): All used motor vehicles must be inspected and have a new inspection sticker affixed

to the windshield.

10. PATRICIA ASHNESS V CENTRAL AUTO SALES (Gary Badessa, Partner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-11-238

Decision: Dismissed without prejudice. Case referred to the state police for further investigation.

**11. ASPEN AUTO SALES (Eric Noury, Owner/ John B. Harwood, Esq.)
REQUEST RECONSIDERATION OF BOARD DECISION**

Decision: Request for reconsideration has been approved.

**12. DISCUSSION/DECISION – PLATE REDUCTION OF DEALERS WITH
3 OR LESS DEALER PLATES – DS-11**

Decision: The Board has decided that dealerships will be allowed to keep a minimum of three dealer plates irregardless of number of cars sold.

13. DISCUSSION / DECISION – REPAIR COMPLAINT – KR-11

This discussion has been tabled until further information can be obtained.

Walter Craddock, Jr., Esq. Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Joseph Monteiro, Enforcement

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

File