

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

**March 9, 2012**

**TO: Rosemary Booth Gallogly**

**DEPT: Department of Revenue**

**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,**

**March 8, 2012 Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin and William Jeffery. Also present Marcy Coleman, Esq., Division of Legal Services.**

**Sgt. David Doucet of the Rhode Island State Police has recused himself from the dealer hearing board while on special assignment the Department of Motor Vehicles Enforcement Division until further notice.**

**MEETING OF MARCH 8, 2012 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: FEBRUARY 9,  
2012 BOARD HEARING**

**Minutes have been reviewed and accepted by the board**

**2. OCEAN STATE HARLEY-DAVIDSON, INC ( Russell D. Hampton,  
President)**

**REQUESTING PERMISSION TO DISPLAY HARLEY-DAVIDSON  
MOTORCYCLES AT THE GLORIA GEMMA BREAST CANCER  
RESOURCE FOUNDATION’S “OUR HERO FASHION SHOW” TO BE  
HELD AT THE RHODES ON THE PAWTUXET ON MAY 12, 2012**

**CASE # KR-12-0058**

**Decision: The Board has approved this request to display vehicles for  
one day only on May 12, 2012 at the Rhodes On the Pawtuxet.**

**3. VENTURCAP INVESTMENT GROUP V, LLC d/b/a J.D. BYRIDER  
AUTO SALES**

**( Edward Wiggins, President) CASE # KR-12-0074**

**LOCATED AT 615 RESERVOIR AVENUE, CRANSTON, RI 02910  
REQUESTING PERMISSION TO LEASE PROPERTY AT 599  
RESERVOIR AVENUE, CRANSTON, RI 02910 FOR THE PURPOSE OF**

## **OUTDOOR PARKING AND DISPLAY OF MOTOR VEHICLES**

**Decision: The Board has approved the request to lease the property to display vehicles and for additional parking for the dealership.**

**Page 1 of 3**

**March 8, 2012**

**Hearing Board Results**

**Page 2 of 3**

**4. D & M MOTOR SALES, INC ( Michael Notarianni, President)**

**TRANSFER APPLICATION – CASE # KR-12-0036**

**FROM: 178 PHENIX AVENUE, CRANSTON, RI 02920**

**TO: 50 LIBERA STREET, CRANSTON, RI 02920**

**Decision: The Board has approved the transfer application subject to the installation of a sign that is a minimum of 24 square feet stating exact dealership name, the dealer must identify the dealership name when answering the phone and the remove unauthorized employees from the auction list.**

**5. EMERY LAFRENIERE V ROUTE 3 AUTO SALES, INC. ( Niss Lev, VP )**

**SHOW CAUSE HEARING – CASE # KR-11-0161**

## **2ND RESCHEDULED HEARING**

**This hearing was tabled until July, 2012 to allow time for a possible resolution.**

**6. NICOLE TRAINOR V. JDJ AUTO SALES ( Paul E. Picerne, Owner)  
SHOW CAUSE HEARING – CASE # KR-11-0263  
2ND. RESCHEDULED HEARING**

**Postponed at the request of Daniel Calabro,Jr, Esq, attorney for JDJ Auto Sales.**

**7. JAMES EVANS V. ROUTE 44 AUTO SALES ( Frank Fiorenzano, President)  
SHOW CAUSE HEARING- CASE # KR- 11-0352  
1ST RESCHEDULED HEARING**

**Decision: The Board has determined that James Evans shall retain ownership of the vehicle and the dealership shall pay Mr. Evans \$3500.00 to cover the cost of repairs.**

**The Board has determined that Route 44 Auto Sales, Inc. is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$1250.00, 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 (R):  
Failing to inspect vehicle prior to selling it.**

**Fine: \$100.00: Violation of RI Rules and Regulations Section VII (G):  
Failing to identify on the Bill of sale that the vehicle was salvaged and  
restored.**

**Fine: \$300.00 (3 violations x \$100.00 per violation): Violation of  
RIGL§ 31-3-40(b): The issuance of more than one temporary plate  
must be approved by the administrator of the Department of Motor  
Vehicles.**

**March 8, 2012**

**Hearing Board Results**

**Page 3 of 3**

**Fine: \$300.00 (3 violations x \$100.00 per violation): Violation of  
RIGL§ 31-5-11(10). For having indulged in any unconscionable  
practice relating to business as a motor vehicle dealer, dealer issued  
three bill of sales for one transaction.**

**Fine: \$100.00: Violation of RI Rules and Regulations Section VII(E): All bills of sales must be numbered sequentially**

**Fine: \$100.00: Violation of RIGL§ 31-5-11(10). For having indulged in any unconscionable practice relating to business as a motor vehicle dealer, dealer issued a bill of sale with not amount indicated.**

**Fine: \$150.00: (Violations x \$50.00 per violation): Violation of RI Rules and Regulations Section VI(L): Dealership allowed 3 individuals that were not employed by the dealership represent the dealership at the auctions.**

**Fine: \$100.00: Violation of RI Rules and Regulations Section VI(L): Dealership failed to use a company check as required to purchase a vehicle.**

## **8. DEALERS LICENSE AND REGULATIONS OFFICE V. SUNSET AUTO**

**SALES, INC (Carlos Baez, President) -CASE# KR12-021  
FAILED TO RENEW LICENSE BOARD TO DETERMINE  
APPROPRIATE ACTION**

**Postponed at the request of Ralph E. Chido, Esq., attorney for Sunset Auto Sales, Inc.**

**9. NEW ENGLAND AUTO PAWN LLC, (Kiara Peralta, Member) AND GEMINI AUTO SALES, (David Defreitas, Member) -CASE# KR12-025 TO OBTAIN VEHICLES AS COLLATERAL FOR LOANS AND SELL THE VEHICLES THROUGH PARTNERSHIP WITH LICENSED DEALERSHIP**

**Tabled by the Board to a future date to be determined to allow all those involved to be in attendance.**

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**Walter Craddock, Esq. Chairman**

**Cc: John DiTomasso, Assistant Administrator, DMV**

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

**File**