

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

**May 25, 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,**

**May 24 2012. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin and William Jeffery. Also present, Marcy Coleman, Esq., Division of Legal Services.**

**Lt. 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 MAY 24, 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: MAY 10, 2012 BOARD HEARING**

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

**2. ELECTRA AUTO SALES & SERVICE (Anthony E. Corsi, Pres. / k. Joseph Shekarchi, Esq.)**

**TRANSFER APPLICATION – CASE # KR-12-178**

**FROM: 26 PUTNAM AVENUE, JOHNSTON, RI 02919**

**TO: 42 PUTNAM AVENUE, JOHNSTON, RI 02919**

**Decision: The Board has approved this transfer request subject to the building being reconfigured to allow for an additional 100 square feet to be accessible to meet the building requirement of 2400 sq ft after which a site inspection will be executed by the Dealers License and Regulations Office.**

**3. AUTO DRIVE ONE OF RHODE ISLAND d/b/a AUTO DRIVE ONE AUTO SALES ( Joseph Dibiasio III, Pres.)**

**FIRST APPLICATION – CASE # KR-12-169**

**TO DEAL IN USED MOTOR VEHICLES ONLY**

**AT: 2312 PAWTUCKET AVENUE, EAST PROVIDENCE, RI 02914**

**Decision: The Board has approved this application subject to a site inspection and a review of the lease agreement by the Dealers License and Regulations Office. Three dealer plates have been awarded.**

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**4. DEALERS' LICENSE & REGULATIONS OFFICE VS. DORMAN'S AUTO CENTER, INC ( Antonio Albuquerque, Pres. / Mark P. Welch, Esq.)**

**COMPLAINT / SHOW CAUSE HEARING – CASE # KR-12-033**

**Decision: The Board has dismissed this case subject to a written warning being issued of which a copy to remain in the dealerships file for one year.**

**5. DEOLINDA M GONCALVES VS. JORGE'S AUTO SALES ( Jorge Dias, Pres. / John Reilly, Esq.) COMPLAINT / SHOW CAUSE HEARING – CASE # KR-12-082**

**Decision: The Board has determined that the dealership must buy the vehicle back, because of failure to supply a title in violation of RIGL§ 31-5-11(3),(10) and (11), for the amount of \$2,199.00 within 10**

**days of receiving the formal decision and there will not be reimbursement for repairs made to the vehicle by the complainant because a warranty was not in effect.**

**The Board has determined that Jorge's Auto Sales is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$400.00, 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 (Q): For displaying vehicle they do not own.**

**Fine: \$100.00: Violation of RI Rules and Regulations Section VII (E): Improper information on bill of sale.**

**Fine: \$200.00: (2 violations x \$100.00 per violation): Violation of RI Rules and Regulations Section VI (L): Non-employees representing the dealership.**

**The Board has ordered the dealership to complete a formal business plan to be submitted to the Dealers License and Regulations Office for approval.**

**6. DEALERS' LICENSE & REGULATIONS OFFICE VS. JORGE'S AUTO SALES**

**( Jorge Dias, Pres. / John Reilly, Esq.)**

**COMPLAINT / SHOW CAUSE HEARING – CASE # KR-12-125**

**Decision: The Board has determined that Jorge's Auto Sales is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$200.00, 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 VII (H): Misuse of dealer plates.**

**Fine: \$100.00: Violation of RI Rules and Regulations Section VI (L): Non-employees representing the dealership.**

**The Board has determined that the dealership will be allowed to retrieve his dealer plate, 529B, previously confiscated by the Dealers License and Regulations Office.**

**HEARING RESULTS FOR MAY 24, 2012**

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**7. EDWIN J DITTMAR VS. R & R AUTO & CYCLE (Ronald Russo, Owner)**

**COMPLAINT / SHOW CAUSE HEARING- CASE # DS-12-043**

**Decision: The Board has determined that the dealership must buy the vehicle back for the amount of \$1800.00.**

**The Board has determined that R & R Auto & Cycle is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$400.00, 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 (Q): For displaying vehicle they do not own.**

**Fine: \$100.00: Violation of RI Rules and Regulations Section VII (E): No bill of sale issued for the sale.**

**Fine: \$100.00: Violation of RI Rules and Regulations Section VI (L): Non-employees representing the dealership.**

**Fine: \$100.00: Violation of RI Rules and Regulations Section VI (R): Failure to inspect vehicle prior to the sale.**

**Mr. Russo has been requested to appear at the next scheduled hearing to explain his failure to appear before the Board for this hearing.**

**8. CHRISTOPHER L. LEBEAU VS. CALDER STREET AUTO SALES  
( William Grady, Pres.)  
COMPLAINT / SHOW CAUSE HEARING – CASE # DS-12-108**

**Decision: The Board has dismissed this case without prejudice because the complainant did not stay for the hearing and left without comment.**

**The Board ordered the dealership to prepare a business plan and submit to the Dealers License and Regulations Office within the next 10 days for review and approval.**

**The dealership must also provide the Board with a status update on a previous case, DS12-124.**

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**Walter R Craddock, Jr. Esq. Chairman**

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

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

**File**