

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

May 16, 2014

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 Wednesday, May 7, 2014. Board members: Walter Craddock, Esq., William Jeffrey and James Botvin. Also present, Absent: Marcy Coleman, Esq., Division of Legal Services and Marc Levasseur.

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

**MEETING OF MAY 7, 2014 AT 12:30 PM 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 MEETING
OF: APRIL 26TH, 2014 BOARD HEARING**

The minutes have been reviewed and approved for April 16, 2014.

**2. IN TOWN AUTO SALES & SERVICE (Wilfredo A. Hernandez,
Member)**

FIRST APPLICATION – CASE # KR-140-141

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 11 JOSEPHINE ST. CRANSTON, RI 02920

Decision: This first application has been approved subject to the dealership getting a credit letter and a second hand license from the city of Cranston to the Dealers' License & Regulations Office. Three dealer plates have been granted. The dealership must finalize within 30 days and submit all sales folders for review 30 days after opening to the RI Dealers License and Regulations Office.

PAGE 1 OF 2

HEARING RESULTS 05-07-14

PAGE 2 OF 2

3. CARMAX AUTO SUPERSTORES, INC (Thomas Folliard, President / John C. Revens, Esq.).

Decision: The Board has preapproved the license based on the necessity for construction for 2015 spring. Subject to all proper paperwork to be reviewed by the Dealers' License & Regulations Office in about 11 months from this date.

The Board granted permission to make 26 used dealer plates

The board granted 20 preliminary used dealer plates

4. MATTHEW BORGES AND DEALERS' LICENSE & REGULATIONS OFFICE VS. JIMMY'S AUTO SALES (James A. Pinheiro, Owner)

CASE # AM-140-017

COMPLAINT / SHOW CAUSE HEARING

Decision: based on Mr. Borges signed a release and was satisfied

with the reimbursement for repairs and warranty, the Board recommends that because of unconscionable business practices, dealer aware based on the fact that Jimmy's Auto Sales was aware of this deal he never made the effort to return \$1,500.00 to Ms. Borges until this office became involved in the complaint by Mr. Borges, dealer keeping funds, warranty was rejected by warranty company.

The Board has also determined that Jimmy's Auto Sales is in violation of the following RI Rules and Regulations and is required to pay the amounts listed below which totals \$550.00 to the Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$50.00 Violation of Rules and Regulations section VII, subsection (E) – bills of sale

Fine: \$500.00 violation of Rhode Island General Laws 31-5-11 (10) –for having indulged in any unconscionable practice relating to business as a motor vehicle dealer.

5. FERRIL CARDILLO AND DEALERS' LICENSE & REGULATIONS OFFICE VS RANALDI MOTORS (Albert Ranaldi, President)

CASE # KR-140-082

COMPLAINT / SHOW CAUSE HEARING

Decision: The Board orders the dealership to buy the car back for a full refund of \$4,450.00 within 10 days, based on the fact car not

inspected at time of sale

Check for \$4,450.00 to be delivered to this office, Cardillo will deliver the car to this office; dealer must pick up the car in this office.

Fine: \$50.00 Violation of Rules and Regulations Section VI, Subsection (R) – Inspection of vehicles.