

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

June 9, 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, June 4, 2014. Board members: Walter Craddock, Esq., James Botvin, Marc Levasser 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 decision process of the dealer hearing board while on special assignment the Department of Motor Vehicles Enforcement Division until further notice.

**MEETING OF JUNE 4, 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 MEETING OF: MAY 21, 2014
BOARD HEARING**

The Board has reviewed and approved the minutes for May 21, 2014

**2. BALI PROPERTIES, LLC d/b/a GEMINI AUTO SALES (David
Defreitas, Partner)**

TRANSFER APPLICATION – CASE # 140-176

FROM: 150 VANDEWATER STREET, PROVIDENCE, RI 02904

TO: 240 SILVER SPRING STREET, PROVIDENCE, RI 02904

Decision: The Board has approved the transfer subject to a site inspection to be performed by the RI Dealers License and Regulations Office and the return of the plates, 742 A-C and dealers license number 631 assigned to the previous dealership doing business at this location, Locke Auto Sales, to this office.

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3. PRESTIGE AUTOMART, INC d/b/a PRESTIGE 2 (Manuel Sarmento, Pres.)

FIRST APPLICATION –CASE # KR-140-177

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 377 TAUNTON AVENUE, EAST PROVIDENCE, RI 02914

This matter has been tabled for two weeks or until the next hearing date at the request of Marcy Coleman, Esq., legal counsel for the Department of Motor Vehicles and Randall Weeks, Esq, attorney for the dealership to allow time for the dealership to gather additional information required to complete this application.

4. MOCAR, INC d/b/a RACOM AUTO SALES (Jeffrey P. Mocarsky, Pres.)

TRANSFER APPLICATION – CASE # KR-140-165

FROM: 218 PINE STREET, PAWTUCKET, RI 02860

TO: 501 MAIN STREET, PAWTUCKET, RI 02860

Decision: The Board has approved this transfer application subject to the dealership supplying a copy of the deed to 501 Main Street, Pawtucket, RI to the RI Dealers License and Regulations Office and a site inspection to be completed by that office.

5. SUSANA COSTA AND DEALERS' LICENSE & REGULATIONS OFFICE VS. GLOBAL AUTO SALES (Mark Tantimonaco, Owner / John Harwood, Esq.)

CASE # KR-140-110

COMPLAINT / SHOW CAUSE HEARING

Decision: The Board has revoked the dealerships privilege to issue RI Temporary Plates for one year retroactive to the date this privilege was originally suspended for allowing an unauthorized person to access protected Department of Motor Vehicle computer programs and data.

The Board has also found the dealership is in violation of the following RI Rules and Regulations and RI General Laws and is required to pay the amounts listed below which total \$2000.00 to the Rhode Island Dealers License and Regulations Office within 10 days

of receiving the formal decision.

Fine: \$1000.00 (5 unauthorized employees): Violation of RI Rules and Regulations Section VI (L), allowing unauthorized people to conduct business for the dealership.

Fine: \$1000.00: Violation of RIGL § 31-5-11 (10) Having indulged in unconscionable practice relating to business as a motor vehicle dealer as a result of violating signed agreement with the Department of Motor Vehicles relating to the issuing of temporary plates.

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6. SHEREE HARLEY AND DEALERS' LICENSE & REGULATIONS OFFICE VS. FIRST CHOICE AUTOS SALES (Raul De La Cruz, Owner / Peter D'Amico, Esq.)

CASE # AM-140-012

COMPLAINT / SHOW CAUSE HEARING

Decision: The Board has order the dealership to purchase the vehicle back from the consumer for the original purchase price of \$4000.00 as a result of failing to disclose vehicle was salvaged and there was a discrepancy with the mileage.

The Board determined that the dealership is in violation of RIGL§ 31-5-11(10) for having indulged in unconscionable practices relating to business as a result of the dealership being on notice the vehicle he sold to the consumer was salvaged and there was a discrepancy of the mileage on the odometer and failed to notify the customer. The Board has fined the dealership \$1000.00 for this violation which must be paid within 10 days of receiving the formal decision.

The Board has suspended the dealerships license to do business, number 495, for 45 days because this being the dealerships second violation. The dealer plates 609 A-C and original license must be returned to the RI Dealers License and Regulations Office for the duration of the suspension.

Walter Craddock, Esq., Chairman

Cc: Marcy Coleman, Esq. Department of Revenue Legal Services