

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

April 2, 2015

TO: David Sullivan, Acting Director

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, April 1, 2015. Board members present: Walter Craddock, Esq., James Botvin, William Jeffrey and Lt. David Doucet of the Rhode Island State Police, who will abstain from voting and the deliberation process until further notice while on special assignment with the Department of Motor Vehicles Enforcement Division. Also present was Marcy Coleman, Esq., Deputy Chief of Legal Services Division of Motor Vehicles.

Absent: Marc Levasser

**MEETING OF APRIL 1ST 2015 AT 12:30 PM AT THE
DIVISION OF MOTOR VEHICLES -3RD. FLOOR, CONFERENCE**

ROOM,

600 NEW LONDON AVENUE, CRANSTON, RI

1. REVIEW AND ACCEPTANCE OF THE MINUTES OF: MARCH 18, 2015 HEARING

The Board has reviewed and approved the minutes for March 18, 2015.

2. JONATHAN RICCITELLI AND DEALERS' LICENSE & REGULATIONS OFFICE VS. SHORELINE AUTO SALES LLC (Joseph Catelli, Member/ Andrew R. Bilodeau, Esq/ Ryanna T. Capalbo, Esq.)

CASE # KR-150-056

COMPLAINT / SHOW CAUSE HEARING

Decision: The Board has found that the dealership is in violation of RIGL § 31-5-11 (10), having indulged in unconscionable business practices relating to business as a motor vehicle dealer and has been ordered to pay a fine of \$500.00 to the RI Dealers License and Regulations Office within 10 days.

The Board had dismissed the claim made by the consumer for the return of a \$2000.00 payment he allegedly made to the dealership because the payment could not be substantiated.

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3. DEALERS' LICENSE & REGULATIONS OFFICE VS LAKE AUTO SALES, INC (Robert DeFusco, President - Dennis Notargiacomo, VP / William Dimitri, Esq)

CASE # KR-140-363

SHOW CAUSE HEARING

The Board has tabled this hearing for 30 days to allow time for the dealership to resolve the problem of having a second business at this location.

The Dealer's License and Regulations office will return dealer plate 293C and the sales records previously held by Robert DeFusco to the dealership. The dealership will have a copy of the records made for Robert DeFusco.

4. JANEIKA BUTLER AND DEALERS' LICENSE & REGULATIONS OFFICE VS. GARCIA AUTO SALES, INC (Jose Perez, Pres.) Peter Petraca, Esq.

CASE # AM-140-366

COMPLAINT/ SHOW CAUSE HEARING -RESCHEDULED

Decision: The consumer and the dealership have reached an agreement in that \$6600.00 will be paid to the consumer in full settlement of all claims made by the consumer and the vehicle will be returned to the dealership. The exchange will be facilitated by Dealers License and Regulations Office.

The hearing will be continued at a later date to resolve any outstanding issues at the request of the board.

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5. CECILE CAMPANILLE AND DEALERS' LICENSE & REGULATIONS OFFICE VS.

VILLAGE MOTOR SALES (Carmine Demarco, Pres.) Seth Adam Perlmutter, Esq.

CASE # AM-150-054

COMPLAINT / SHOW CAUSE HEARING

Decision: The Board has determined Village Motor 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 VI (R): Failed to inspect vehicle prior to selling.

Fine: \$100.00 Violation of RI Rules and Regulations Section VII (F): Failed to register vehicle within the 20 days that are allowed.

The Dealership has been ordered to have the vehicle inspected on April 2, 2015.

6. A & D AUTO SALES & SERVICE CENTER, INC. (Steven A DeCubellis, President)

**FIRST APPLICATION – CASE # KR-150-065
TO DEAL IN USED MOTOR VEHICLES ONLY
AT : 1 LOG ROAD, SMITHFIELD, RI 02917**

(THIS APPLICATION WAS APPROVED ON MARCH 4, 2015 HEARING. DURING MY INVESTIGATION THE ADDRESS NUMBER HAS BEEN CHANGED TO 4 LOG ROAD PER 911)

Decision: The Board has reaffirmed the approval of the original first application of A & D Auto Sales with the change of address to 4 Log Road as amended by 911 requirements.

Walter Craddock, Esq., Chairman

Cc: Marcy Coleman, Esq., DMV Division of Legal Services.