

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

December 14, 2015

TO: David Sullivan, Director

DEPT: Department of Revenue

FROM: James Botvin, Chairman

DEPT: Division of Motor Vehicles

**SUBJECT: MOTOR VEHICLE DEALERS' LICENSE & HEARING
BOARD**

RESULTS-DECEMBER 2, 2015

Please be advised of the following matters which were heard before the Board on Wednesday, December 2, 2015. Board members present: James Botvin, Marc Levasseur, William Jeffrey and Joseph Solomon, Esq. Also present was Bradford Booth, Esq., Deputy Chief of Legal Services, Division of Motor Vehicles and Michael Taylor. Absent: Lt. David Doucet of the Rhode Island State Police.

**MEETING OF DECEMBER 2, 2015 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:**

NOVEMBER 18, 2015 BOARD HEARING.

**The Board reviewed and approved the minutes of November 18,
2015.**

2. WESTMINSTER MOTORS, LTD (Mery Y. Lopez, President)

**ANNEX APPLICATION / PLATE ALLOCATION - CASE # KR-150-399
TO BE LOCATED AT 665 PLAINFIELD STREET, PROVIDENCE, RI
02909**

MAIN LOCATED AT 550 VALLEY STREET, PROVIDENCE, RI 02908

POSTPONED BY DEALER

HEARING BOARD RESULTS 12-02-15

3. CANDIDA LAITAO AND DEALERS' LICENSE & REGULATIONS OFFICE VS APPLE VALLEY AUTO SALES & SERVICE, LLC (Mario Rey, Pres.)

CASE # AM-150-249 CONTINUATION

Decision: The Board dismissed this matter because the Consumer had the vehicle scrapped. The Board advised Dealer to attempt to get a refund from the insurance company for the title bond that it obtained at the direction of the Board.

4. SCOTTIE'S AUTO SALES, INC (Oliver McDougall President/Joseph Brennan, Esq.)

CASE # KR-150-076 CONTINUATION

REQUESTING HIS 3 PLATES AND LICENSE BE RETURNED TO RE-OPEN

Decision: The Board, by a 3-1 vote (Yes: Botvin, Levasseur and Jeffrey; No: Solomon), ordered that Dealer will maintain its Dealer license but will not receive any of its relinquished dealer plates held by the RI Dealers License and Regulation Office. When a buyer is

found for the business the proposed buyer may make application for the dealer plates.

5. BRENDA SANTIAGO AND DEALERS' LICENSE & REGULATIONS OFFICE VS. GARCIA AUTO SALES, INC (Jose Perez, Pres /Peter Petrarca, Esq.)

CASE # AM-150-106

COMPLAINT / SHOW CAUSE HEARING

Decision: The Board unanimously determined that Dealer is in violation of the following Rules and Regulations and RI General Laws and is required to pay the amounts listed below, totaling \$2400.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receipt of the Board's formal decision.

Fine: \$1200.00 (\$200.00 x 6 violations) for violating Rules and Regulations § VI (L): Six persons on auction list that are not employees.

Fine: \$200.00 for violating Rules and Regulations § VI (L): Non-employee sold vehicle.

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Fine: \$1000.00 pursuant to RIGL § 31-5-11 (10) for having indulged in unconscionable business practices.

The Board also unanimously ordered the immediate revocation of Dealer's license to do business. Dealer must return license no. 484 for its main location, license no. 85 for its annex location, its 7 dealer plates, no. 709 A-G, and all unused taxation forms to the RI Dealers License and Regulations Office within 10 days of receipt of the Board's formal decision.

6. JANEIKA BUTLER AND DEALERS' LICENSE & REGULATIONS OFFICE VS. GARCIA AUTO SALES (Jose Perez, Pres. / Peter Petrarca, Esq.)

CASE # AM-140-366

COMPLAINT / SHOW CAUSE HEARING

Hearing continuation-matter heard by Botvin, Levasseur and Jeffrey. Solomon did not hear matter.

Decision: The Board unanimously determined that Dealer is in

violation of the following Rules and Regulations and RI General Laws and is required to pay the amounts listed below, totaling \$5700.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receipt of the Board's formal decision.

Fine: \$500.00 for violating Rules and Regulations § VI (R): Failed to inspect vehicle before offering for sale.

Fine: \$200.00 for violating Rules and Regulations § VI (L): Non-employee sold vehicle.

Fine: \$500.00 for violating RIGL § 31-3.1-13: Failed to transfer title to buyer and/or the annex.

Fine: \$500.00 for violating Rules and Regulations § VII (E): Amounts on bill of sale did not match deposit receipt.

Fine: \$500.00 for violating Rules and Regulations § VII (E): Bill of sale not issued for sale of vehicle from owner to Dealer.

Fine: \$500.00 for violating Rules and Regulations § VI (L): Dealer failed to use a company check to purchase vehicle for resale.

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Fine: \$500.00 for violating Rules and Regulations § VII (E): The vehicle was purchased by Dealer's main location but sold with a bill of sale from Dealer's annex location.

Fine: \$500.00 for violating Rules and Regulations § IX (A): Vehicle was advertised for sale on Craig's List by the owner.

Fine: \$2000.00 (\$200.00 x 10 violations) for violating Rules and Regulations § VI (L): Ten persons on auction list that are not employees.

The Board also unanimously ordered the immediate revocation of Dealer's license to do business. Dealer must return license no. 484 for its main location, license no. 85 for its annex location, its 7 dealer plates, no. 709 A-G, and all unused taxation forms to the RI Dealers License and Regulations Office within 10 days of receipt of the Board's formal decision.

7. FOR DISCUSSION ONLY *

APPELLATE PROCESS

James Botvin, Chairman

**Cc: Bradford Booth, Esq., Deputy Chief of Legal Services, Division of
Motor Vehicles**