

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDG. 68-69
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920

IN THE MATTER OF: :
 :
SAM ZIRA d/b/a :
CITY LIMITS AUTO SALES, INC., : DBR No. 12 AB 046
 :
RESPONDENT :

PERMANENT CEASE AND DESIST ORDER

Hearing Officer: Ellen R. Balasco, Esq.

Hearing Held: July 3, 2012

Appearances:

For the Department of Business Regulation: Neena Sinha Savage, Esq.

For Respondent: Michael DiChiro, Jr.

I. INTRODUCTION

The Department has jurisdiction over this matter pursuant R.I. Gen. Laws § 7-11-1 *et seq.*, R. I. Gen. Laws § 42-14-1, *et seq.*, and R.I. Gen. Laws § 42-35-1, *et seq.*

This matter came on for hearing on July 3, 2011, pursuant to an Order to Show Cause, Notice of Hearing, and Appointment of Hearing Officer issued May 22, 2012, in the above-referenced matter. Counsel for the respective parties met and discussed settlement of the issues which brought this matter to the Department's attention. As a result, the parties have agreed to a resolution of this administrative proceeding, and have waived their rights to a full hearing in this matter, conditioned on the terms and conditions set forth herein.

II. FINDINGS OF FACT

After consideration of the pleadings filed in this matter, and by admission of the Respondent through counsel, the Hearing Officer finds the following facts:

1. The Respondent is not currently licensed as an automobile body repair shop pursuant to R.I. Gen. Laws § 5-38-1 *et seq.* and Commercial Licensing Regulation 4 (“CLR4”) entitled *Motor Vehicle Body Repair*.
2. An inspector of the Department observed and photographed vehicles on the Respondent’s premises in various stages of automobile body repair work, and additionally observed evidence of auto wrecking and salvage work being conducted on the premises.
3. The Respondent has agreed to the entry of a Permanent Cease and Desist Order prohibiting unlicensed automobile body repair, and unlicensed automobile wrecking and salvage activities.
4. The Respondent shall take steps to evict any current tenants or lessees from the subject property who are not duly licensed by the Department to conduct automobile body repair, salvage or wrecking within thirty (30) days from the entry of this Order, or in the alternative, he shall insure that all current tenants or lessees have applied for the appropriate license necessary for the work being performed.
5. The Respondent has also agreed to take additional steps to ensure compliance with the laws and regulations pertaining to those activities; specifically:
 - a. The Respondent shall not in the future lease or sub-lease any part of his premises to any party who is not fully licensed to conduct automobile body repair, wrecking or salvage activities, unless that party has initiated the licensing application process with the Department necessary for such activities.

- b. If the Respondent at any time discovers that a tenant or lessee does not hold a valid license for the activities being conducted on the premises, he shall immediately notify the Department and take all necessary steps to evict the unlicensed tenant or lessee from the premises.
- c. All lease and sub-lease agreements used by the Respondent for the subject premises shall include a provision stating the requirements set forth in this section.

III. RECOMMENDATIONS

Based on the above findings of fact, the Hearing Officer recommends that the Director of the Department:

1. Order that the Respondent permanently cease and desist from performing, or allowing to be performed on his premises any activities requiring a license for automobile body repair, or automobile salvage and wrecking, without having obtained a valid license to do so.
2. Order that the Respondent take necessary steps evict or remove any current tenants or lessees from the subject property who are not duly licensed by the Department to conduct automobile body repair, salvage or wrecking within thirty (30) days from the entry of this Order, unless he has verified that they have applied for the appropriate license necessary for the work being performed.
3. Order that the Respondent fully comply with the provisions set forth in sections 5(a), (b) and (c) above.

Date: July 11, 2012

Ellen R. Balasco
Ellen R. Balasco, Esq.
Hearing Officer

ORDER

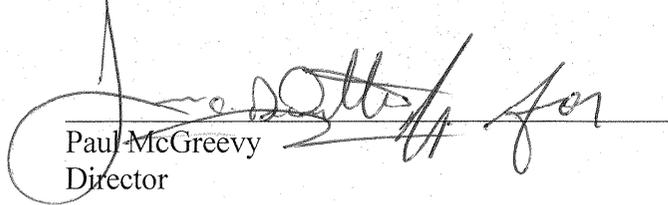
I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT

REJECT

MODIFY

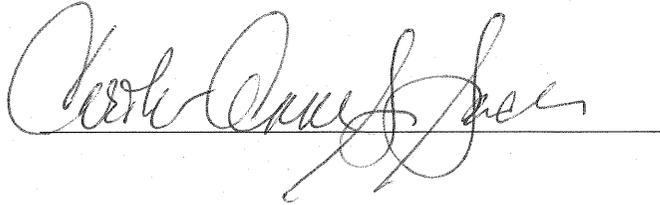
Dated: 7/11/2012


Paul McGreevy
Director

ENTERED as Administrative Order No. 12-043 on the 11th day of July, 2012.

CERTIFICATION

I hereby certify that, on the 11th day of July, 2012, a true copy of this Order was sent by first class mail, postage prepaid, to: **Michael DiChiro, Jr., Esq. at 1406 Plainfield Street, Johnston, Rhode Island 02919** and also by electronic mail to Maria D'Alessandro, Deputy Director, Kimberly Precious, Implementation Aide and Neena Sinha Savage, Chief of Legal Services at the Department of Business Regulation.


Charles Andrew Jones