

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATIONS
1511 PONTIAC AVENUE
CRANSTON, RI 02920**

IN THE MATTER OF:	:	
	:	
DENT PROS, LLC.,	:	DBR No. 11-L-0045
	:	
RESPONDENTS.	:	

CONSENT AGREEMENT

The Department of Business Regulation (“DBR”/”Department”) and Dent Pros, LLC. (“Respondent”) hereby propose the following terms to resolve the above-captioned matter:

1. The Respondent entered into a Consent Order with the Department on December 17, 2010 with regard to violations that the Respondent had committed between November 5 2008 and January 9, 2009.
2. In the Consent Order, the Respondent agreed to:
 - a. Permanently cease and desist from any violation(s) of R.I. Gen. Laws §5-38-1, *et seq.*
 - b. Pay an administrative penalty of Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00) for the alleged statutory violations
3. On April 20, 2011, an inspector from the Department of Business Regulation inspected Respondent’s premises located at 6 Westerly St. West Warwick, Rhode Island and spoke with Tim Gibb who identified himself as the manager of Dent Pros. Mr. Gibb stated that John Medeiros

was the new owner of this auto body shop which was purchased by Dent Pros.

4. The inspector found that the license had not been changed and work was being done under the Harrison Auto Body License.
5. The Inspector documented that the premises contained several vehicles, which were either fully intact but covered for painting purposes or disassembled in preparation of painting and repair.
6. The Inspector also documented that Dent Pro has put its sign on the building and has also kept an old sign of Harrison Auto Body (with no license number on the sign).
7. In or about May 2011, the Department also was provided a postcard advertising DentPros Collision Center at 6 Westerly Street in West Warwick, RI 02893 which had been recently mailed.
8. R.I. Gen. Laws § 5-38-1 defines “auto body shop” as:

any establishment, garage, or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers, chassis and similar components of motor vehicle bodies as distinguished from the chassis, seats, motor, transmission, and other accessories for propulsion and general running gear of motor vehicles, except as provided in § 5-38-20.

9. R.I. Gen. Laws § 5-38-4 states that:

No person, firm, or corporation shall engage within this state in the business of auto body repairing or painting or enter into contracts for the repairing, replacing, or painting of auto bodies or parts of auto bodies or advertise or represent in any form or manner that he, she, or it is an auto body shop unless that person, firm, or corporation possesses a license in full force and effect from the department of business regulation specifying that person, firm, or corporation as licensed to operate or conduct an auto body shop.

10. R.I. Commercial Licensing Regulation 4 defines “Motor Vehicle Body Work” as:

The act or acts of preparing, fixing, restoring, painting or putting together a Motor Vehicle Body, including repairing, replacing or installing of glass thereon, or the subcontracting of said work.

11. Based on this inspection and observation, the Department has cause to believe that Respondent has violated the Consent Order and is currently engaged in unlicensed automobile body repair work in violation of R.I. Gen. Laws § 5-38-1 *et seq.* and the Consent Order. The Department further asserts that due to Respondent’s repeated and willful violation of statutory and regulatory requirements, there is cause to deny any application for license with the Department.
12. The Respondent acknowledges that Department has alleged certain facts, statutory and regulatory authority and statutory violations against Respondent.
13. The Department represents that had this matter gone to hearing, the Department would have been prepared to present witnesses, documents, and other evidence of Respondent’s violations to support the alleged violations indicating that Respondent had engaged in unlicensed automobile body repair work in violation of licensing requirements in R.I. Gen. Laws § 5-38-1 and the previous Consent Order.
14. The Respondent acknowledges that had this matter proceeded to hearing that the Department would have been able to establish a factual basis to support a violation of R.I. Gen. Laws §§ 5-38-1 and 4(b) indicating that

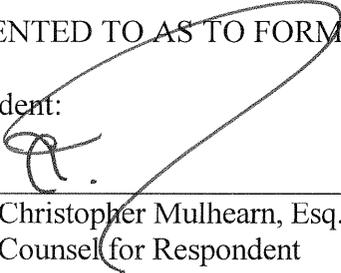
Respondent engaged in unlicensed automobile body repair work that encompassed work other than paintless dent removal.

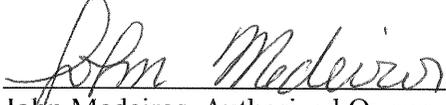
15. Respondent acknowledges that the Department has evidence supporting further unlicensed automobile body repair work that occurred after a Temporary Cease and Desist Order (barring unlicensed auto body repair work) was issued in the prior matter as well as the prior Consent Order.
16. Respondent voluntarily waives its right to complete the hearing process, voluntarily waives his right to appeal to Superior Court, and acknowledges that it has remedied all alleged violations and has taken all necessary action to ensure that no further unlicensed activity will be conducted by Respondent.
17. Respondent must:
 - A. Permanently cease and desist from any further violations of R.I. Gen. Laws § 5-38-1 *et seq.*
 - B. Pay an administrative penalty of ten thousand dollars (\$10,000) for the statutory violations described herein payable in two (2) installments of five thousand dollars (\$5,000): the first to be paid upon execution of this Consent Agreement and the second installment of five thousand dollars (\$5,000) to be paid by July 8, 2011.
18. The Department will initiate further administrative proceedings to impose appropriate penalties and seek appropriate remedies against Respondent for any further violations of this Consent Agreement. This Consent Agreement in no way waives the Department's right to license Respondent's paintless dent removal activity should the Department

determine that said licensure is necessary and appropriate under any relevant statutory scheme.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:

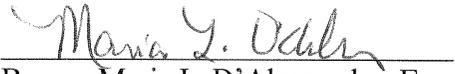
Respondent:

By: 
Christopher Mulhearn, Esq. (#5188)
Counsel for Respondent


John Medeiros, Authorized Owner
On behalf of Respondent

Department:

By: 
Neena Sinha Savage, Esq.
Chief of Legal Services
Department of Business Regulation

By: 
Maria L. D'Alessandro, Esq.
Deputy Director
Commercial Licensing Division

Date: 6/7/11

Date: 6/7/11

THIS CONSENT AGREEMENT CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS AGREEMENT MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS AGREEMENT. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW OF SAID COURT. HOWEVER, RESPONDENT UNDERSTANDS THAT BY WAIVING ITS RIGHT TO A COMPLETE HEARING AND AGREEING TO THIS CONSENT AGREEMENT, THE ABOVE RIGHTS ARE WAIVED AND IF ANY TERMS OF THIS CONSENT AGREEMENT ARE VIOLATED, RESPONDENT'S LICENSE SHALL BE SUBJECT TO SUSPENSION OR REVOCATION.

CERTIFICATION

I hereby certify that on this 5th day of June, 2011 a copy of this Consent Agreement was sent by first class mail postage prepaid and certified mail and email to:

Dent Pro, LLC
6 Westerly Street
West Warwick, RI 02893

Christopher M. Mulhearn, Esq.
Law Office of Christopher M. Mulhearn, Inc.
55 Pine Street, 4th Floor
Providence, RI 02903

and by hand delivery to:

Maria D'Alessandro
Deputy Director, Commercial Licensing, Racing & Athletics and Securities Divisions
Department of Business Regulation

Thomas Broderick
Chief, Auto Body, Auto Wrecking and Salvage Operations
Department of Business Regulation

Kimberly Precious
Implementation Aide
Department of Business Regulation

A handwritten signature in black ink, appearing to read "Christopher M. Mulhearn", written over a horizontal line.