

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF COMMERCIAL LICENSING AND RACING AND ATHLETICS
1511 PONTIAC AVE, BLDGS. 68 AND 69
CRANSTON, RHODE ISLAND 02920-0942

<u>IN THE MATTER OF:</u>	:	
	:	DBR NO. 09- L-0200
M & S MOTORS, INC.	:	
	:	
<u>RESPONDENT.</u>	:	

CONSENT AGREEMENT

The Commercial Licensing and Racing and Athletics Division (“Division”) of the Rhode Island Department of Business Regulation (“Department”) enters into this Consent Agreement (“Agreement”) to resolve concerns that Rhode Island General Laws (“R.I.G.L”) § 5-38-1 *et seq.*, entitled, Automobile Body Repair Shops, and Commercial Licensing Regulation 4, entitled, Motor Vehicle Body Repair (“Regulation 4”) may have been violated by M & S Motors, Inc. (“Respondent”).

The Division and Respondent hereby agree that:

1. Respondent has a Full Collision Repair License, originally issued in 2007, and subsequently expiring at the end of the calendar year 2009.
2. On September 1, 2009, the Department received a letter from Inspector Paul M. Doyle, Assistant Deputy State Fire Marshall, regarding the Respondent’s auto body shop facility at 103 Gano Street, Providence.
3. Assistant Deputy Doyle advised in the letter that:
 - a. An inspection of the facility by the Providence Fire Department was performed on August 24, 2009.

- b. A report dated August 24, 2009 listed fire code deficiencies.
 - c. Respondent was given thirty (30) day grace period to come into compliance or file a request for variation or hearing before the Fire Safety Code Board of Appeal and Review.
 - d. On August 27, 2009 Assistant Deputy Doyle sent the Department a letter advising that non-compliance was a threat to public safety, and that “the public and employees at this facility are in danger due to the high hazard of spray painting without the proper fire suppression system in place and no fire alarm system.”
 - e. On September 17, 2009, an updated report was sent to the Department stating violations cited should be corrected as soon as possible, but not later than thirty (30) days from receipt of the notice; or Respondent may submit an appeal in writing to the State Fire Safety Code Board of Appeal and Review; or may request a variance. In addition, Respondent was advised that failure to apply or correct all violations noted within the thirty (30) day period will cause the notice to become a compliance order and will subject respondent to prosecution under the Rhode Island State Fire Safety Code.
 - f. Respondent has submitted plans for suppression system to the Providence Fire Department for approval.
4. On October 16, 2009 the Department issued an Emergency Order to Suspend Respondent’s Full Collision Repair License.

5. On October 20, 2009, the Division received an updated letter from Inspector Paul M. Doyle, Assistant Deputy State Fire Marshal stating, “in order to protect the public and the employees at this facility from the dangers due to the high hazards of spray painting that no automobile spray painting should be conducted until the suppression system is fully operational and deemed compliant by this office.”
6. On October 21, 2009, Respondent stated by telephone that suppression system is on order and should be installed and compliance met within three (3) weeks.
7. Respondent voluntarily waives its right to initiate and complete the hearing process, voluntarily waives its right to appeal to Superior Court, admits that the allegations in paragraphs 1 through 6 are true, and that it intends to remedy the violations and take all necessary action as delineated in this Consent Agreement to allow Respondent to restore and maintain a Full Collision Auto Repair License in good standing.
8. Based on the foregoing, the Division finds that the following is in the public interest and consistent with the purposes intended by R.I.G.L. §5-38-1 *et seq.*, and Regulation 4.
 - a. Respondent’s licensed is conditioned upon the following terms:
 - i. Respondent may resume auto body work, but cannot conduct any auto body painting in or around its facility whatsoever.
 - ii. The cessation of painting shall continue in force until such time as the Respondent submits evidence to the Department that it is in full compliance with all fire safety standards.

- iii. Respondent shall comply with all terms and requirements for licensure under R.I.G.L §5-38-1 *et seq.*, including but not limited to the installation of a compliant fire suppression system for its auto spray booth by November 30, 2009.
9. By signing this Agreement, Respondent acknowledges and understands that the Division will not renew its license and/or will seek the revocation of its license, with notice and opportunity for hearing, upon a finding that it has engaged in any further administratively, criminally or civilly sanctionable conduct.
10. Respondent will be permitted to resume full auto body collision repair work as more fully described in Section 8 of this Agreement.

The Division and Respondent M & S Motors, Inc., hereby consent and agree to the foregoing.

Dated as of the 10/21/09 day of October 2009.



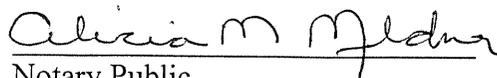
Maria D'Alessandro, Associate Director
Commercial Licensing and Racing & Athletics



Edgar Samayoa, M & S Motors, Inc.
Respondent

On this 21 day of October, 2009 appeared before me

Edgar Samayoa who executed the foregoing Consent Agreement and who duly acknowledged to me that he was authorized to do so.



Notary Public

My Commission Expires 3/26/2013

CERTIFICATION

I hereby certify that on this 21 day of October, 2009, Respondent received document by hand delivery:

M & S Motors, Inc.
103 Gano Street
Providence, RI 02906

And by electronic mail to:

Richard Berstein, Executive Counsel
Rhode Island Department of Business Regulation
Legal Division
1511 Pontiac Avenue
Cranston, RI 02920

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