

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RI 02920**

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|------------------------------------|---|------------------------|
| IN THE MATTER OF: | : | |
| | : | |
| SANTANA AUTO BODY, INC. and | : | |
| CESAR HILARIO | : | DBR No. 13AB054 |
| | : | |
| RESPONDENTS. | : | |

CONSENT AGREEMENT

The Division of Commercial Licensing (“Division”) of the Rhode Island Department of Business Regulation (“Department”) enters into this Consent Agreement (“Agreement”) with Santana Auto Body, Inc. (“Santana”) and Cesar Hilario (“Respondent Hilario”) (collectively “Respondents”) to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondents that:

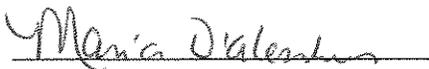
1. Santana is a business located at 289 Thurbers Ave, Providence, Rhode Island (the “premises”).
2. Respondent Hilario is Santana’s sole officer and director.
3. Santana was the holder of a full collision automobile body repair shop license under R.I. Gen. Laws § 5-38-1 *et. seq.* and a auto salvage repair license under § 31-46-1 *et seq.*
4. On December 6, 2010, the Department conducted an inspection of the premises to investigate alleged licensing infractions pertaining to the cancellation of Santana’s insurance policy in violation of Commercial Licensing Regulation 4 (“CLR 4”), Section

- 4 which provides that licensees must maintain proof of insurance policies meeting the minimum coverage requirements set forth therein.
5. An Order to Show Cause was issued on December 28, 2010 and the Department provided Respondents until January 31, 2011 to produce evidence of a current and valid policy.
 6. Having not received said evidence, the Department issued an Order of Suspension on February 7, 2011, defaulting Santana for failure to appear, suspending Santana's automobile repair shop license for non-compliance with the insurance requirements, and ordering the Santana to cease and desist from unlicensed activity (DBR No. 10L0197).
 7. The suspension of the automobile body repair license had the legal effect of terminating any rights under the salvage repair license because an automobile body repair license is a pre-requisite of a salvage repair license under R.I. Gen. Laws § 31-46-7(a).
 8. On August 10, 2011, Santana's salvage repair license expired.
 9. On December 31, 2012, Santana's automobile body repair shop license expired.
 10. On January 28, 2013, the Division received an automobile body repair shop renewal application ("Application") from Respondents. This application was incomplete, however.
 11. On February 7, 2013, the Division's Chief Public Protection Inspector inspected the premises. He observed that the business was still in the operation of performing automobile body repair work.
 12. On or about June 20, 2013, the Inspector inspected the premises. He observed that the business was closed and the gate locked.
 13. At a settlement conference held on July 11, 2013, Respondent Hilario made the following representations to the Division:

- A. Respondent Hilario's son, Richard Hilario, was placed in charge of submitting insurance payments and Respondent Hilario did not have knowledge of Richard's failure to do so that gave rise to the February 7, 2011 Order of Suspension.
 - B. Respondent Hilario does not recall personally receiving the Order of Suspension.
 - C. Respondent Hilario ceased all automobile body repair and salvage repair operations upon being informed that he was not permitted to do so subsequent to the February 7, 2013 inspection.
14. The Division has reasonable grounds to believe that Respondents engaged in unlicensed automobile body repair activity and/or salvage repair activity from the date of the Order of Suspension (February 7, 2011) until Respondent Hilario was informed that doing so was unlawful (at some point between the February 7, 2013 and June 20, 2013 inspections) in violation of R.I. Gen. Laws § 5-38-1 *et. seq.*, § 31-46-1 *et seq.*, and Department regulations promulgated pursuant thereto.
15. The Division acknowledges Respondent Hilario's efforts to comply with statutory requirements, desire to remedy the violations, and willingness to cooperate with the Division in resolving this matter.
16. Based on the foregoing, the Division shall treat the Application to renew as an application for a new full collision automobile body repair license which shall be granted upon satisfaction of all of the following terms:
- A. Respondents shall submit a fire safety compliance letter.
 - B. Respondents shall pay the application fee of \$ 900.00.
 - C. Respondents shall pay an administrative penalty in the amount of \$ 1,500.00.

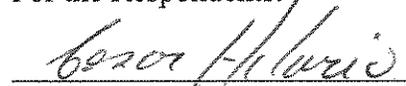
17. Respondents must submit proof of completion of all required technician certification classes by August 30, 2013. Respondents understand that failure to do so may result in suspension, revocation, or other disciplinary action against them.
18. Respondents agree that Richard Hilario shall be carefully supervised by Respondent Hilario to assure that his conduct does not cause violations of § 5-38-1 *et seq.* and/or the Department regulations promulgated thereunder.
19. Respondents acknowledge and understand that any salvage repair activity requires a separate salvage repair license pursuant to § 31-46-1 *et seq.* and the terms of this Agreement do not guarantee that any future application for such license would be granted.
20. By signing this Agreement, Respondents voluntarily waive any right to an administrative hearing or appeal to Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
21. By signing this Agreement, Respondents acknowledge and understand that should Respondents violate the terms of this Consent Agreement and/or engage in any other administratively, criminally, or civilly sanctionable conduct, the Department retains full authority to refuse to issue an automobile body repair license, or, if granted, to revoke, suspend, fine, or refuse to renew the license, after notice and opportunity for hearing.

For the Division:



Maria D'Alessandro
 Deputy Director of Commercial
 Licensing and Regulation
 Department of Business Regulation
 Date: 7/24/13

For the Respondents:



Cesar Hilario
 Santana Auto Body, Inc.
 289 Thurbers Ave,
 Providence, Rhode Island
 Date: 7/23