

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

<u>IN THE MATTER OF:</u>	:	
	:	
HERB CHAMBERS CADILLAC, INC.,	:	DBR No. 10-L-0183
	:	
<u>RESPONDENT.</u>	:	

CONSENT ORDER

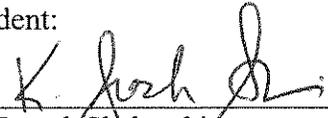
The Department of Business Regulation (“DBR”/“Department”) and Herb Chambers Cadillac, Inc. (“Respondent”) hereby propose the following terms to resolve the above-captioned matter:

1. The Respondent acknowledges that DBR has alleged certain facts, statutory and regulatory authority and statutory violations in an Emergency Order to Cease and Desist, Show Cause, Appointment of Hearing Officer, and Notice of Pre-Hearing Conference (“Emergency Order”) in this matter. The Emergency Order is attached hereto as Exhibit One.
2. 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 in the Emergency Order.
3. The Respondent acknowledges that had this matter proceeded to hearing that DBR 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 using a mobile repair unit.

4. This is the second administrative proceeding brought against Respondent by the Department in the past eighteen (18) months for violations of R.I. Gen. Laws § 5-38-1 *et seq.* Respondent's conduct in the instant matter is a violation of its Consent Agreement with the Department dated September 11, 2009 which required Respondent to, "comply with all terms and requirements for licensure under R.I. Gen. Laws § 5-38-1 *et seq.*"
5. Respondent has indicated that it employed a mobile repair unit in the performance of eight (8) separate repairs in the past 60 days.
6. 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 use of mobile repair units or further unlicensed activity will be conducted by Respondent.
7. 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 four thousand five hundred dollars (\$4,500) for the violation of the Consent Agreement and for the statutory violations described herein.
8. The Department will initiate further administrative proceedings to impose penalties against Respondent for any further violations of this Consent Order.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:

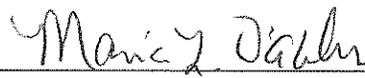
Respondent:

By: 
Joseph Shekarchi,
Counsel for Respondent


INSERT Current Owner, Authorized
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: 12/6/10

Date: 12/6/10

Recommended by: 
Catherine R. Warren, Esq.
Hearing Officer

Date: 12/7/10

ORDER

I hereby ✓ approve _____ reject the Consent Order as agreed to by and between the parties in the above entitled matter.

Order Number: _____

Entered: Dec 08, 2010



A. Michael Marques
Director of Business Regulation

THIS CONSENT ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. 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 ORDER, THE ABOVE RIGHTS ARE WAIVED AND IF ANY TERMS OF THIS CONSENT ORDER ARE VIOLATED, RESPONDENT'S LICENSE SHALL BE SUBJECT TO SUSPENSION OR REVOCATION.

CERTIFICATION

I hereby certify that on this 9th December day of ~~November~~, 2010 a copy of this Consent Order was sent by first class mail postage prepaid and certified mail and email to:

K. Joseph Shekarchi, Esq.
Counsel to Respondent
33 College Hill Road
Warwick, RI 02886
Joe@shekarchilaw.com

91 7108 2133 3934 9011 1510

Mr. Herb Chambers
Herb Chambers Cadillac, Inc.
1511 Bald Hill Road-Route 2
Warwick, RI 02886

91 7108 2133 3934 9011 1527

Mr. Herb Chambers
Herb Chambers Cadillac, Inc.
317 Ferry Road
Old Lyme, CT 06371

91 7108 2133 3934 9011 1534

Mr. Mark Goldstein
General Manager
Herb Chambers Cadillac, Inc.
1511 Bald Hill Road-Route 2
Warwick, RI 02886

91 7108 2133 3934 9011 1541

Mr. Ed Amaral
General Sales Manager
Herb Chambers Cadillac, Inc.
1511 Bald Hill Road-Route 2
Warwick, RI 02886

91 7108 2133 3934 9011 1558

and by hand delivery to:

Maria D'Alessandro
Deputy Director
Department of Business Regulation

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

Kimberly Precious
Implementation Aide
Department of Business Regulation