

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF COMMERCIAL LICENSING AND RACING AND ATHLETICS
JOHN O. PASTORE CENTER
1511 PONTIAC AVENUE – BUILDING 69-1
CRANSTON, RHODE ISLAND 02920-0942

IN THE MATTER OF:	:	
	:	
STEVEN HERNANDEZ d/b/a	:	DBR No. 09-L-100
STEVEN AUTO GLASS,	:	
	:	
RESPONDENT.	:	

CONSENT ORDER

The Commercial Licensing and Racing and Athletics Division (“Division”) of the Rhode Island Department of Business Regulation (“Department”) enters into this Consent Order to resolve concerns that R.I. Gen. Laws §§ 5-38-1 *et seq.*, Automobile Body Repair Shops, and Commercial Licensing Regulation 5- Motor Vehicle Glass Installation (“Regulation 5”) may have been violated by Steven Hernandez (“Hernandez”). The Division has determined to resolve this matter, after investigation and appearance before Hearing Officer, by entering into this Order.

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

1. On April 13, 2009, the Department received a phone call about possible unlicensed glass activity at Steven Auto Glass, located on Elmwood Avenue, Providence, Rhode Island.
2. On April 14, 2009, Tom Broderick, Chief Public Inspector, went to 103 Elmwood Avenue, Providence, Rhode Island and witnessed Respondent operating as an unlicensed auto glass business.

3. The owner was not present at the time but the employee gave Mr. Broderick a card for Steven Auto Glass advertising; side mirrors, used headlights, tinted windows, and free mobile service.
4. In a photograph taken by Mr. Broderick of the building located at 103 Elmwood Avenue, Providence, Rhode Island, there is a sign posted on the building stating: *Steven Auto Glass Nuevos Y Usados 401. 954-9308.*
5. Hernandez owns and operates Steven Auto Glass, located at 103 Elmwood Avenue, Providence, Rhode Island.
6. At all times relevant to this Agreement, it has been unlawful for an auto glass shop to operate in Rhode Island without being properly licensed.
7. On May 12, 2009 Hernandez appeared before Hearing Officer Catherine R. Warren, Esq. at a hearing at the Department.
8. It is the position of the Department that Hernandez engaged in activity which requires licensure as an auto glass shop in violation of R.I.Gen. Laws §§ 5-38-1 *et seq.*
9. Mr. Hernandez wants to be licensed as an auto glass installer.
10. On May 12, 2009, the Division received an application from Hernandez for a Motor Vehicle Glass Installation License.
11. Applicant attached written request for waiver due to non-compliance of square footage minimum per Section 4 E of Regulation 5.
12. On July 9, 2009 Hernandez came to the office to ask if he can change his application to a mobile Auto Glass Installer because the city of Providence

ordinances on availability for an auto glass drive-in-shop is only allowed in a C-4 zoning category and his business location is zoned as a C-2.

13. On July 15, 2009 the Division received written request to change application to a mobile Auto Glass Installer.

Based on the foregoing, the Division finds that the following is in the public interest and consistent with the purposes intended by R.I. Gen. Laws §§ 5-38-1 *et seq.* and Regulation 5.

Accordingly, it is hereby further agreed that:

1. Hernandez shall read and immediately undertake to comply fully with R.I.Gen. Laws §§ 5-38-1 *et seq.*, and Regulation 5.
2. The application submitted is complete.
3. No minimum space requirement waiver needed for a mobile shop.
4. No fire safety requirements to comply with for a mobile shop.
5. No EPA number issued to a mobile shop.
6. Hernandez shall upon signing this Agreement, pay an administrative assessment in the amount of Five Hundred fifty dollars (\$500.00) to the Department and be granted license effective upon execution of this agreement.
7. Additional violations of R.I.Gen. Laws §§ 5-38-1 *et. seq.*, or Regulation 5, may be grounds for significant and substantial penalties such as suspension or revocation of license, and/or administrative penalties up to one hundred dollars (\$100.00), and the imposition of criminal and civil sanctions.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:

Neena Sinha Savage
Neena Sinha Savage, Esq. (4704)
Legal Counsel
Department of Business Regulation
Date: 10/15/09

Steven Hernandez
Steven Hernandez d/b/a Steven Auto Glass,
Respondent
Date: 10/09/09

RECOMMENDED BY:

Catherine R. Warren
Catherine R. Warren 10/16/09
Hearing Officer
Department of Business Regulation

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: 10-19-2009

Order #: 09-235

A. Michael Marques
A. Michael Marques
Director

NOTICE OF APPELLATE RIGHTS

THIS CONSENT ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS §. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS §. LAWS § 42-35-15, A FINAL ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS. BY SIGNING THIS CONSENT ORDER, RESPONDENT HAS WAIVED THE APPELLATE RIGHTS STATED HEREIN.

CERTIFICATION

I hereby certify that on this 20th day of October, 2009, a copy of this Order was sent by first class mail postage prepaid to:

Steven Auto Glass
103 Elmwood Avenue
Providence, RI 02903

And via email to Neena Sinha Savage, Chief of Legal Services, Maria D'Alessandro, Associate Director; Thomas Broderick, Chief Public Protection Inspector; Kimberly Precious, Implementation Aide at the Department of Business Regulation, 1511 Pontiac Avenue, Cranston, RI 02920.

A B Ellison