

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF COMMERCIAL LICENSING AND RACING AND ATHLETICS
233 RICHMOND STREET, SUITE 230
PROVIDENCE, RHODE ISLAND 02903-4230

IN THE MATTER OF:	:	
	:	
NAVEDO AUTO CLINIC,	:	DBR: No.: 07-L-0317
	:	
RESPONDENT	:	

CONSENT ORDER

The Rhode Island Department of Business Regulation (“Department”) and Navedo Auto Clinic (“Respondent”) hereby agree that:

1. Respondent has held an automobile body repair license (“License”) since 2006.
2. In August 2007, Respondent submitted a License Renewal Application.
3. The License Renewal Application was not notarized, did not include verification of fire safety compliance, and proof of compliance with insurance requirements.
4. On September 8, 2008, Implementation Aide from Division spoke to Respondent by telephone confirming he was not going to operate and did not intend to renew his License.
5. On April 14, 2009, the Division Inspector went to Respondent’s auto body repair shop to retrieve non-renewed license and found shop to be operational.

6. On April 15, 2009, Respondent came to the Division and confirmed he was operating and requested to be licensed again.
7. In response to the incomplete application, failure to comply with statutory requirements and unlicensed activity, on April 15, 2009, the Department issued its Order to Show Cause and Appointment of Hearing Officer in this matter.
8. On April 23, 2009, Respondent appeared before a Hearing Officer at the Department.
9. On April 27, 2009 a Temporary Cease and Desist Order was issued to Respondent.
10. On August 28, 2009, a signed and notarized application for full collision auto body repair shop license was received by the Division along with required proof of insurance and zoning.
11. On September 3, 2009, the Division received compliance letter from Providence Fire Department confirming compliance to all required state and local fire safety inspections.
12. It is the position of the Division that from some time after September 8, 2008 to the present, Respondent engaged in activity which requires licensure as an auto body shop in violation of R.I.G.L. §5-38-1 *et seq.*
13. 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 12 are true, and that it is willing to remedy the violations and take all necessary action as

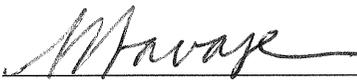
delineated in this Consent Order to allow Respondent to obtain and maintain an automobile body repair shop license in good-standing.

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 Commercial Licensing Regulation 4.

Accordingly, it is hereby further agreed that:

1. Respondent shall read, and immediately undertake to comply fully with R.I. Gen. Laws § 5-38-1 *et seq.*, and all regulations promulgated thereunder.
2. Respondent shall, upon signing this Order, pay an administrative assessment in the amount of five hundred dollars (\$500.00), to the Department.
3. The application submitted by Respondent is complete, and shall be approved upon execution of this agreement and payment of administrative assessment.
4. Additional violations of R.I. Gen. Laws § 5-38-1 *et. seq.*, or any regulation promulgated thereunder, may be grounds for significant and substantial, penalties such as revocation or suspension of license, and/or administrative penalties, and the imposition of criminal and civil sanctions.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:



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



Gilberto Navedo, Navedo Auto Clinic,
Respondent
Date: 10/15/09

RECOMMENDED BY:



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



A. Michael Marques
Director

Order #: 09-236

NOTICE OF APPELLATE RIGHTS

THIS CONSENT ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. 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 the 20th day of October, 2009, a copy of the within Consent Order was mailed via certified and regular mail, postage pre-paid, to: Gilbert Navedo, 59 West Friendship Street, Providence, RI 02907, and by hand-delivery to Neena Sinha Savage, Chief of Legal Services, Maria D'Alessandro, Associate Director, Tom Broderick, and Kim Precious, Division of Commercial Licensing, Department of Business Regulation, 1511 Pontiac Avenue, Cranston, RI 02920.

AB Ellison

CONSENT ORDER- GILBERTO NAVEDO
KAP