

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

<u>IN THE MATTER OF:</u>	:	
	:	
<b>TRUCK SOLUTIONS SALES AND SERVICE, LLC,</b>	:	<b>DBR NO. 09-L-0168</b>
	:	
<u>RESPONDENT.</u>	:	

**CONSENT ORDER**

The Department and Truck Solutions Sales and Service, LLC (“Respondent”) hereby agree that:

1. Respondent has been operating an unlicensed auto body shop doing truck repair in violation of R.I. Gen. Laws § 5-38-4 since November 2007.
2. In preparation for the initiation of the automobile body repair business, Respondent expended a total of \$373,063.00.
  - A. The facility that houses the business was constructed at a cost of 222,400.00.
  - B. The additions to the building for fire safety and state and local requirements was constructed at a cost of \$25,765.00.
  - C. The spray booth was constructed in accordance with all state and local safety requirements at a cost of \$124,898.00.
3. Respondent employs thirty-eight (38) people in the business.
4. The Respondent has demonstrated that at all times it has been in compliance with municipal and State fire and safety requirements while conducting business, except for obtaining the Limited Heavy Truck and Equipment License. It has filed the appropriate application

presently. There was clearly no intent to obviate licensing requirements. Consideration is appropriate to the efforts expended to maintain a safe business facility and to increase the number of employees with stable employment. It is also noted that Respondent has cooperated with State officials in addressing its situation and has not attempted to avoid its responsibilities.

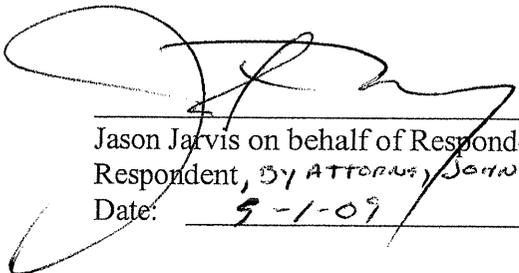
5. Respondent voluntarily agreed to cease and desist from unlicensed activity in an effort to confirm all licensing criteria had been met.
6. It is a violation of R.I. Gen. Laws § 5-38-4 to operate an auto body repair facility without being duly licensed.
7. Respondent's actions and/or omissions constitute violations of R.I. Gen. Laws §§5-38-4, 7, 8, and 9.
8. 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 is willing to remedy the violations and take all necessary action as delineated in this Consent Order to allow Respondent to obtain and maintain the an automobile body repair shop license in good-standing.
9. Respondent must:
  - A. Pay an administrative penalty of Fifteen Thousand (\$15,000.00) Dollars, which may be paid in three (3) installment payments of Five Thousand (\$5,000.00) Dollars; the first payment due upon entry of this Order; the second payment due on or before October 1, 2009; and the third and final payment due on or before November 1, 2009;
  - B. Pay all past and current licensing fees;

- C. Submit a complete application and meet all licensing requirements; and,
- D. Comply with statutory and regulatory requirements pertaining to the automobile body repair shop license.

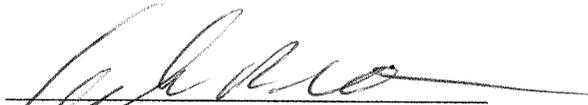
10. If Respondent fails to abide by any of the requirements of this Consent Order, the Department will initiate further administrative proceedings to impose penalties against Respondent including, but not limited to: i) suspension, ii) revocation, and/or iii) such additional administrative penalties as deemed appropriate by the Department. Respondent shall be provided with notice and opportunity for hearing should the Department decide to take such further action.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:

  
\_\_\_\_\_  
Neena Sinha Savage, Esq. (4704)  
Legal Counsel  
Department of Business Regulation  
Date: 9/1/09

  
\_\_\_\_\_  
Jason Jarvis on behalf of Respondent  
Respondent, BY ATTORNEY JASON JARVIS  
Date: 9-1-09

RECOMMENDED BY:

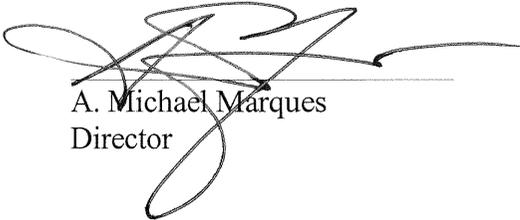
  
\_\_\_\_\_  
Catherine R. Warren  
Hearing Officer  
Department of Business Regulation

**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: 09-01-2009

  
\_\_\_\_\_  
A. Michael Marques  
Director

ORDER NO. 09-209

**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 27<sup>th</sup> day of September, 2009 a copy of the within Consent Order was mailed via certified and regular mail, postage pre-paid, to:

John Neary, Esq.  
103 Cottage Street  
Pawtucket, RI 02860

And by hand-delivery to:

Maria L. D'Alessandro  
Associate Director  
Division of Commercial Licensing  
Department of Business Regulation  
1511 Pontiac Avenue  
Cranston, RI 02920

Richard W. Berstein  
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Catherine R. Warren, Esq.  
Hearing Officer  
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1511 Pontiac Avenue  
Cranston, RI 02920

