

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

IN THE MATTER OF: :  
:   
HERB CHAMBERS CADILLAC, INC., : DBR No. 10-L-0184  
:   
RESPONDENT. :

**EMERGENCY ORDER TO CEASE AND DESIST, SHOW CAUSE, APPOINTMENT  
OF HEARING OFFICER, AND NOTICE OF PRE-HEARING CONFERENCE**

Pursuant to R.I.Gen.Laws §§ 42-14-16, 42-35-9, 42-35-14(c) and 5-38-1 *et seq.*, and *Commercial Licensing Regulation 4 – Motor Vehicle Body Repair* §§ 1 and 4(B)(v)(d), (“CLR4”) the Director of the Department of Business Regulation (“Department”) hereby issues this Emergency Order to Cease and Desist, Show Cause Why Conditional License Should Not Be Revoked, Appointment of Hearing Officer, and Notice of Pre-hearing Conference (“Order”) to Herb Chambers Cadillac Inc. (“Respondent”) requiring Respondent to immediately cease and desist any automobile body repair work, and to appear before the Department to answer why the Director of the Department should not issue an order issuing whatever penalty is determined to be appropriate pursuant to R.I. Gen. Laws §§ 5-38-10 (3) and (9) and *Commercial Licensing Regulation 4 – Motor Vehicle Body Repair* § 4(B)(v)(d).

The Director issues this Order for the following reasons:

1. On September 1, 2009, the Director of the Department issued an Emergency Order to Suspend Auto Collision Repair License (“2009 Emergency Order”) to Respondent based on reports from the Providence Fire Department that Respondent’s failure to comply with fire safety

requirements posed an imminent threat to the public and employees at Respondent's facility located at 101 Cadillac Drive in Providence, Rhode Island ("Providence Facility"). (2009 Emergency Order attached and incorporated herein as Exhibit 1).

2. The 2009 Emergency Order was issued to Respondent after the Department discovered that Respondent had been utilizing mobile paint repair units in violation of R.I. Gen. Laws § 5-38-1 and after confirmation by its counsel that it would not engage in any auto body repair work until the facility had complied with fire safety requirements.
3. On September 11, 2009, the Respondent entered into a Consent Agreement with the Department which included, *inter alia*, a provision that "Respondent may resume auto body work, but cannot conduct any auto body painting at its facility whatsoever." This conditional license was issued and related to Respondent's Providence Facility. (Consent Agreement attached and incorporated herein as Exhibit 2).
4. Upon information and belief, in December 2009 Respondent moved from its Providence Facility to 1511 Bald Hill Road, Route 2 in Warwick, Rhode Island 02886 ("Warwick Facility").
5. Respondent has not applied for an automobile body repair shop license for its Warwick Facility.
6. Respondent did not return its conditional automobile body repair license for the Providence Facility upon closure of that facility.

7. On October 22, 2010, a Department investigator inspected the Warwick Facility and discovered a mobile unit, under the name of Blend Master, performing automobile body repair and painting on the premises of the Warwick Facility.
8. Upon information and belief, Respondent knew or should have known the statutory prohibition against mobile repair units in R.I. Gen. Laws § 5-38-1 from the 2009 Emergency Order and the Consent Agreement.
9. R.I. Gen. Laws § 5-38-1 states that “[n]o repairs performed by licensees under this chapter may be performed using mobile units, but may only be performed at a fixed, licensed location.”
10. R.I. Gen. Laws § 5-38-4(b) states that:

No person, firm, or corporation shall engage within this state in the business of auto body repairing or painting or enter into contracts for the repairing, replacing, or painting of auto bodies or parts of auto bodies or advertise or represent in any form or manner that he, she, or it is an auto body shop unless that person, firm, or corporation possesses a license in full force and effect from the department of business regulation specifying that person, firm, or corporation as licensed to operate or conduct an auto body shop.
11. The act of conducting automobile body repair work without complying with fire safety requirements poses a threat to public health and safety.
12. R.I. Gen. Laws § 5-38-19 allows the Department to bring a proceeding to enjoin unlicensed automobile body repair work.
13. Upon information and belief, Respondent’s conduct is in violation of R.I. Gen. Laws §§ 5-38-1 and 4(b) and Respondent is engaging in a continued pattern of unlicensed automobile body repair work without regard for statutory requirements and/or public safety and that this conduct

constitutes a threat to public health and safety and requires the immediate suspension of the activity pursuant to R.I. Gen. Laws § 42-35-14(c).

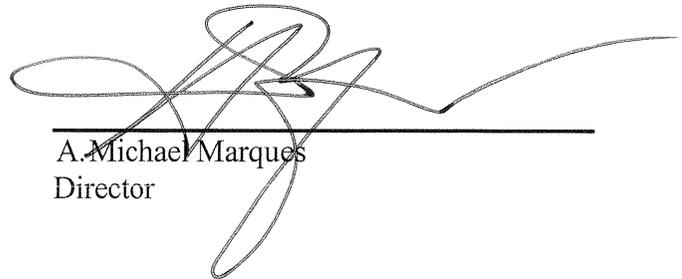
Therefore, pursuant to R.I. Gen. Laws §§ 42-6-8 and 42-35-14(c) the Director orders:

- A. Respondent to immediately cease any automobile body repair work at the Warwick Facility and the Providence Facility;
- B. Respondent to provide a list of all automobile body repairs conducted at the Warwick Facility which list includes: 1) name and address of customer; 2) amount of automobile body repair work performed; 3) insurance company involved in repair, if any; and, 4) dates the repairs were performed and by what entity or individual.
- C. Respondent to appear before a Hearing Officer at the Department on **November 17, 2010 at 10:30 a.m.** at the Department's offices located at the John O. Pastore Center, 1511 Pontiac Avenue, Building 68-2, Cranston, Rhode Island 02920 for a prehearing conference pursuant to Rule 5 of the *Rules of Practice and Procedure in Administrative Hearings before the Department of Business Regulation* and explain why the Director should not issue an order imposing a cease and desist order for the Warwick Facility pursuant to R.I. Gen. Laws § 5-38-19(b), a revocation of the conditional license for the Providence Facility pursuant to R.I. Gen. Laws §§ 5-38-10(1), (7), and (9), a referral to the Attorney

General under R.I. Gen. Laws § 5-38-19(a) for violation of the terms of the Consent Agreement and whatever penalty is determined to be appropriate pursuant to R.I. Gen. Laws § 5-38-10.1.

The Director hereby appoints Catherine Warren as Hearing Officer for the purpose of conducting the hearing and rendering a decision in his matter. The proceedings shall be conducted in conformity with R.I. Gen. Laws §§ 42-35-1 *et seq.* All interested parties with questions regarding the Emergency Order may contact Neena Sinha Savage, Esq. at (401) 462-9540 or [NSSVG1@dbr.ri.gov](mailto:NSSVG1@dbr.ri.gov).

Dated this 5th day of November, 2010.



A. Michael Marques  
Director

**CERTIFICATION**

I hereby certify that on this \_\_\_\_\_ day of November, 2010 a copy of this Emergency Order to Show Cause, Notice of Hearing and Appointment of Hearing Officer was sent by first class mail postage prepaid and certified mail to:

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

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

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

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

Blend Master at: [Blendmaster@blendmasterma.com](mailto:Blendmaster@blendmasterma.com)

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

EXHIBIT 1

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
1511 PONTIAC AVENUE, BLDGS. 68 AND 69  
CRANSTON, RI 02920

IN THE MATTER OF: :  
: :  
HERB CHAMBERS CADILLAC, INC., :  
: :  
RESPONDENT. :

DBR NO. 09-L-0171

EMERGENCY ORDER TO SUSPEND AUTO COLLISION REPAIR LICENSE

Pursuant to R. I. Gen. Laws §§ 5-38-1 *et seq.*, 42-35-14 and Commercial Licensing Regulation 4, the Director ("Director") of the Department of Business Regulation ("Department") hereby suspends the Auto Collision Repair license of Herb Chambers Cadillac, Inc., ("Respondent"). This Order is effective upon issuance.

Upon receipt of a written request for a hearing within thirty (30) days of the date of this Order, a Hearing Officer will be appointed by the Director and the matter will be set down for hearing no less than twenty (20) and no more than sixty (60) days from the date such request is received. The Director will promptly notify the Respondent of the time and place for any hearing. If no hearing is requested and none is ordered by the Director, this Order shall become permanent thirty (30) days after entry and shall remain in effect unless or until it is modified or vacated by the Director or his successor.

The Director makes the following findings of fact and conclusions of law with respect to entry of this Emergency Order:

1. Respondent has a Full Collision Auto Collision Repair license, issued in 2007, and expiring at the end of calendar year 2009.

2. On August 11, 2009, the Department received a letter from Raymond Pacheco, Assistant Deputy State Fire Marshall, regarding the Respondent's auto body shop facility at 101 Cadillac Drive, Providence.
3. Assistant Deputy Pacheco advised in the letter that:
  - a. An inspection of the facility by the Providence Fire Department was performed on March 4, 2009.
  - b. A report dated March 8, 2009 listed fire code deficiencies.
  - c. Respondent was given a one hundred twenty (120) day grace period to come into compliance.
  - d. A compliance inspection was performed on August 4, 2009.
  - e. The Providence Fire Department reported that the Respondent's fire alarm system was still non-compliant.
  - f. The Providence Fire Department advised that the non-compliance was a threat to public safety, and that "the public and the employees of this facility are in danger at this time."
4. On August 13, 2009, the Department spoke with Sal Sachetta, Respondent's Corporate Director of Development and Construction. He represented that painting at the facility would cease immediately.
5. On August 14, 2009, the Department spoke again to Mr. Sachetta, who confirmed that all painting was being outsourced to another compliant body shop. He advised that the Department would be hearing from their counsel, Attorney K. Joseph Shekarchi.

6. Attorney Shekarchi spoke to the Department later on August 14, 2009, and also confirmed that all painting had ceased; that bids were being received as of this date to complete the fire safety work, and that painting would not resume at the facility until full compliance had been achieved.
7. On August 17, 2009, the Department received written confirmation regarding the information communicated in Section 6 above from Attorney Shekarchi.
8. On August 28, 2009, the Providence Fire Department advised the Department that photos have been taken showing that Respondent is having painting performed outside, but on the premises, on the weekend, using mobile trailers.
9. On July 16, 2009, an amendment of R.I. General Law §5-38-1 was enacted, whereby no repairs performed by licensees may be performed using mobile units, but may only be performed at a fixed licensed location.
10. On August 31, 2009, Department Inspector Tom Broderick visited Respondent's facility. He spoke to Respondent's Sales Manager, Neil Ferreira. Mr. Ferreira confirmed that Color Blends, a mobile painting company, had done outside painting work at Respondent's facility on or about August 23, 2009.

Based upon the foregoing, the Director finds that due to the Respondent's violation of Rhode Island's auto body collision repair laws and regulations, the public welfare imperatively requires that Respondent's license be summarily suspended pursuant to R.I. Gen. Laws § 42-35-14.

Accordingly, it is hereby ORDERED that:

1. The Respondent's License is hereby suspended pursuant to R.I. Gen. Laws § 42-35-14.

Dated as of the 01<sup>st</sup> day of September, 2009.

  
A. Michael Marques  
Director

**CERTIFICATION**

I hereby certify that on this 1<sup>st</sup> day of September, 2009, I sent by certified mail and by e-mail, a copy of the within document to:

K. Joseph Shekarchi  
Counsel to Respondent  
Herb Chambers Cadillac, Inc.  
33 College Hill Road  
Warwick, RI 02886

[joe@shekarchilaw.com](mailto:joe@shekarchilaw.com)

and by hand-delivery to:

Richard W. Berstein, Executive Counsel  
Rhode Island Department of Business Regulation  
Legal Division  
1511 Pontiac Avenue  
Cranston, RI 02920

Maria L. D'Alessandro, Associate Director  
Rhode Island Department of Business Regulation  
Commercial Licensing and Racing & Athletics Division  
1511 Pontiac Avenue  
Cranston, RI 02920

Tom Broderick, Chief Public Inspector  
Rhode Island Department of Business Regulation  
Commercial Licensing and Racing & Athletics Division  
1511 Pontiac Avenue  
Cranston, RI 02920

Kim Precious, Implementation Aide  
Rhode Island Department of Business Regulation  
Commercial Licensing and Racing & Athletics Division  
1511 Pontiac Avenue  
Cranston, RI 02920



A handwritten signature in cursive script, appearing to read "Kim Precious", is written over a horizontal line.

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

\_\_\_\_\_  
IN THE MATTER OF: :  
: DBR No. 09-L-0171  
HERB CHAMBERS :  
CADILLAC, INC., :  
RESPONDENT. :  
\_\_\_\_\_ :

CONSENT AGREEMENT

The Department of Business Regulation ("Department") and Herb Chambers Cadillac, Inc. ("Respondent") hereby agree that:

1. Respondent has a Full Auto Collision Repair license, issued in 2007, and expiring at the end of the calendar year 2009.
2. On August 11, 2009, the Department received a letter from the Providence Fire Department advising that continuing non-compliance with its fire alarm system for its paint spray booth by Respondent was a threat to public safety and a danger to the public and its employees.
3. On August 15, 2009, Respondent confirmed that all painting at its facility at 101 Cadillac Drive, Providence, RI would cease immediately.
4. On August 28, 2009, the Providence Fire Department advised the Department that mobile painting was being conducted outside the premises, in violation of R.I. Gen. Laws § 5-38-1. This was confirmed by the Department in an inspection on August 31, 2009.

5. On September 1, 2009, the Department issued an emergency Order to Suspend Respondent's auto collision repair license.
6. On September 2, 2009, Inspector Thomas Broderick telephoned Respondent's auto body facility and was told that he could bring in a damaged automobile for repair, a violation of the suspension.
7. Respondent voluntarily withdraws its request for a hearing dated September 2, 2009, voluntarily waives its right to appeal to Superior Court, admits that the allegations in paragraphs 1-6 are true, and agrees to take all necessary action as delineated in this Consent Agreement in order to restore and maintain its license in good standing.
  - a. Respondent's license is conditioned upon the following terms:
    - (i) Respondent shall pay a \$3,500.00 administrative penalty.
    - (ii) Respondent may resume auto body work, but cannot conduct any auto body painting at its facility whatsoever.
    - (iii) The cessation of painting shall continue in force until such time as the Respondent submits evidence that it is in full compliance with all fire safety standards.
    - (iv) Respondent shall comply with all terms and requirements for licensure under R.I. Gen. Laws § 5-38-1 *et seq.*
8. By signing this Agreement, Respondent acknowledges and understands that the Department will not renew its license and/or will seek the revocation of its license, with notice and opportunity for hearing, upon a finding that it has

engaged in any further administratively, criminally or civilly sanctionable conduct.

9. Respondent is hereby permitted to resume auto body collision repair work as more fully described in Section 7 of this Agreement.

The Department of Business Regulation and Respondent Herb Chambers Cadillac, Inc. hereby consent and agree to the foregoing.

Department of Business Regulation

Herb Chambers Cadillac, Inc.  
101 Cadillac Drive  
Providence, RI 02907

By: Maria D'Alessandro  
Maria D'Alessandro  
Associate Director, of Commercial  
Licensing and Regulation and Racing  
and Athletics

By: Larry Skinner  
Larry Skinner, its General Manager

*Before me  
A Brooke Ellison  
Notary Public*

Date: 9/11/09

Date: 9/11/09

**CERTIFICATION**

I hereby certify on this 11<sup>th</sup> day of September, 2009 that a copy of the within Consent Agreement was sent by first class mail, postage prepaid and certified mail, return receipt requested to:

Herb Chambers Cadillac, Inc.  
101 Cadillac Drive  
Providence, RI 02907

and by electronic mail to

Maria D'Alessandro, DBR  
Thomas Broderick, DBR  
Kimberly Precious, DBR

A Brooke Ellison