

**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.

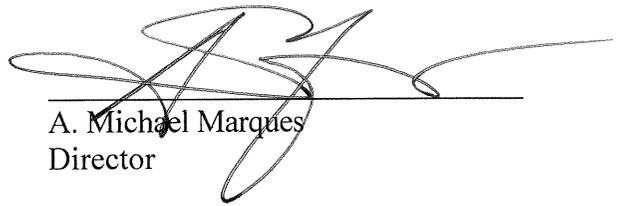
6. Attorney Shekarchi spoke to the Department later on August 14, 2009, and also confirmed that all painting had ceased; that bids were being received as of this date to complete the fire safety work, and that painting would not resume at the facility until full compliance had been achieved.
7. On August 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 01st day of September, 2009.


A. Michael Marques
Director

CERTIFICATION

I hereby certify that on this 1st 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

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