

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
DIVISION OF COMMERCIAL LICENSING AND RACING AND ATHLETICS  
1511 PONTIAC AVE, BLDGS. 68 AND 69  
CRANSTON, RHODE ISLAND 02920-0942**

<u>IN THE MATTER OF:</u>	:	
	:	<b>DBR NO. 09- L-0200</b>
<b>M &amp; S MOTORS, INC.</b>	:	
	:	
<u>RESPONDENT.</u>	:	

**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 Full Collision Repair License of M & S Motors, 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 the Emergency Order:

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

1. Respondent has a Full Collision Repair License, originally issued in 2007, and subsequently expiring at the end of the calendar year 2009.
2. On September 1, 2009, the Department received a letter from Inspector Paul M. Doyle, Assistant Deputy State Fire Marshall, regarding the Respondent's auto body shop facility at 103 Gano Street, Providence.
3. Assistant Deputy Doyle advised in the letter that:
  - a. An inspection of the facility by the Providence Fire Department was performed on August 24, 2009.
  - b. A report dated August 24, 2009 listed fire code deficiencies.
  - c. Respondent was given thirty (30) days grace period to come into compliance or file a request for variation or hearing before the Fire Safety Code Board of Appeal and Review.
  - d. On August 27, 2009 Assistant Deputy Doyle sent the Department a letter advising that non-compliance was a threat to public safety, and that "the public and employees at this faculty are in danger due to the high hazard of spray painting without the proper fire suppression system in place and no fire alarm system".
  - e. On September 17, 2009, an updated report was sent to the Department stating violations cited should be corrected as soon as possible, but not later than thirty (30) days from receipt of the notice; or Respondent may submit an appeal in writing to the State Fire Safety Code Board of Appeal and Review or may request a variance. In addition, Respondent was advised that failure to apply or correct all violations

noted within the thirty (30) day period will cause the notice to become a compliance order and will subject respondent to prosecution under the Rhode Island State Fire Safety Code.

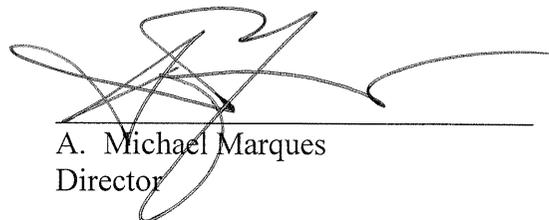
- f. To date, the Department has not received notice that a request for variance or appeal was ever submitted.

Based upon the foregoing, the Director finds that due to the Respondent's violation of Rhode Island's auto body collision repair laws and regulation, 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 16<sup>th</sup> day of October 2009.

  
A. Michael Marques  
Director

**CERTIFICATION**

I hereby certify that on this 16<sup>th</sup> day of October, 2009, I sent by certified mail and first class mail, a copy of the within document to:

M & S Motors, Inc.  
103 Gano Street  
Providence, RI 02906

And by electronic mail to:

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

Maria 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  
Commercial Licensing and Racing & Athletics Division  
1511 Pontiac Avenue  
Cranston, RI 02920

Kim Precious, Implementation Aide  
Commercial Licensing and Racing & Athletics Division  
1511 Pontiac Avenue  
Cranston, RI 02920

  
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