

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

IN THE MATTER OF: :
:
RONALD PERRILE, : DBR No. 09-L-207
:
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, Appointment of Hearing Officer, and Notice of Pre-hearing Conference (“Order”) to Ronald Perrile (“Respondent”) requiring Respondent to immediately cease and desist any unlicensed 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 October 19, 2009, the inspector for the Department went to 129 Fletcher Avenue in Cranston, Rhode Island and discovered that Respondent was engaging in unlicensed automobile body repair work in violation of R.I. Gen. Laws § 5-38-1 *et seq.* and CLR 4.

2. The Department inspector noted that there were many automobiles that appeared to be in the midst of having body repair performed.
3. The Department inspector also noted that there was a spray booth and an area for the mixing of paint, which was not in the explosion room.
4. On October 23, 2009, the Department received a letter from the Cranston Fire Department that indicated that Respondent is "...not in compliance with any of the laws governing auto body repairs shops." The letter further indicated the matter was being referred to the building official who would be issuing a cease and desist order for the facility.
5. R.I. Gen. Laws § 5-38-1 states that an "auto body shop" includes:
any establishment, garage, or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, including fenders, bumpers, chassis and similar components of motor vehicle bodies as distinguished from the chassis, seats, motor, transmission, and other accessories for propulsion and general running gear of motor vehicles, except as provided in § 5-38-20.
6. 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.
7. The act of conducting automobile body repair work without complying with fire safety requirements poses a threat to public health and safety.
8. 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 unlicensed

automobile body repair work that 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 Respondent to immediately cease any automobile body repair work and to appear before a Hearing Officer at the Department on **November 17, 2009 at 10:00 a.m.** at the Department's offices located at the John O. Pastore Center, 1511 Pontiac Avenue, Building 69-1, 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 whatever penalty is determined to be appropriate pursuant to R.I. Gen. Laws §§ 5-38-10 (3) and (9) an order pursuant to R.I. Gen. Laws § 5-38-1 *et seq.*

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.*

Dated this 27th day of October, 2009.



Maria D'Alessandro
Associate Director

CERTIFICATION

I hereby certify that on this 27th day of October, 2009 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:

Ronald Perrile ✓
129 B Fletcher Avenue
Cranston, RI 02920

Deputy Chief Richard Storti ✓
Cranston Fire Marshal
Cranston Fire Department
301 Pontiac Avenue
Cranston, RI 02920

and by hand delivery to:

Thomas Broderick
Chief, Public Protection Inspector ✓
Department of Business Regulation
1511 Pontiac Ave
Cranston, Rhode Island 02920

Kimberly Precious
Implementation Aide
Department of Business Regulation ✓
1511 Pontiac Ave
Cranston, Rhode Island 02920

Evelyn B. Ferrara

CERTIFICATION

I hereby certify that on this 27th day of October, 200
Order to Show Cause, Notice of Hearing and Appointment
by first class mail postage prepaid and certified mail to:

Ronald Perrile
129 B Fletcher Avenue
Cranston, RI 02920

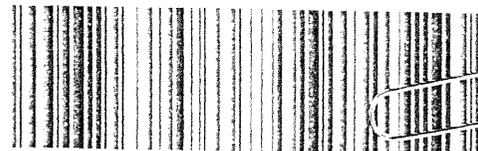
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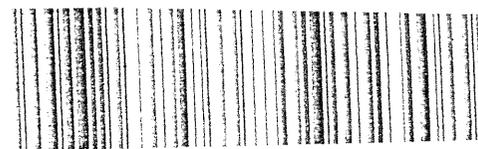
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