

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

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**IN THE MATTER OF:**

**Highway Auto Parts, Inc.,**

**Respondent.**

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**DBR No.: 06-L-0124**

**FINAL ORDER OF CONDITIONAL LICENSING**

This matter arose pursuant to a Notice of Intent to Deny Renewal of License and Opportunity for Hearing issued by the Department of Business Regulation (“Department”) on July 26, 2006 to Highway Auto Parts, Inc. (“Respondent”). An Order Appointing Hearing Officer and Providing Notice of Department Hearing was issued on August 16, 2006. A pre-hearing conference was held on September 22, 2006. An Interim Consent Order was entered into by the parties on December 7, 2006 providing for conditional licensing of Respondent as an automobile wrecking and salvage yard pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.* An Order Appointing Substitute Hearing Officer and Providing Notice of Status Conference was issued by the Department on April 1, 2009 appointing the undersigned as substitute hearing officer. A status conference was held on April 23, 2009 after which a further order was issued providing that the Interim Consent Order remained in effect regarding conditional licensing and that the Respondent would continue to clear its property and provide monthly reports detailing its clean-up. Subsequent to this status conference, the Respondent provided monthly reports and written status reports.

By letter dated June 27, 2012, the Respondent requested an additional three (3) years

to complete the clean-up of its property. The Department has confirmed that the Respondent has no pending issues related to the Department of Environmental Management and the Respondent's property. The Department represented that in response to the Respondent's request, the Department inspected the property and documented the remaining items to be removed and confirmed that three (3) years to complete the clean-up was reasonable. Therefore, the Department consented to a further three (3) years to complete the clean-up. The Town of West Greenwich where said Respondent's property is located is also in agreement with the clean-up procedure.

Based on the forgoing, the undersigned recommends that the Respondent continues to be conditionally licensed as an automobile wrecking and salvage yard conditional on the following:

1. The Respondent shall complete the clean-up of its property by **June 30, 2015**.
2. The Respondent shall file an application for renewal of said license when required during this period.
3. The Respondent shall continue to clear its property and provide monthly reports to the Department's Legal Division, the Department's Autobody licensing section, and the Town of West Greenwich's solicitor and Town Administrator. The reports shall continue to be due on the first of every month.
4. As already provided by statute, the Department may conduct inspections of said property.
5. The Respondent may ask for an extension of the June 30, 2015 clean-up deadline for good cause such as severe weather or illness, etc. Such a request must be in

writing and directed to DBR's Legal Division and the Autobody licensing section. It is expected that the monthly reports would include documentation of events or condition that could affect clean-up.

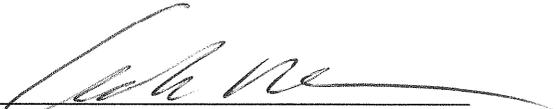
6. As already set forth in the Interim Consent Order, the Respondent shall not accept any salvage vehicles, parts or materials onto the property that currently are not on the property. The only activities allowed pursuant to this conditional license issued by the Department is the removal of salvage automobiles, automobile parts, junk, solid waste, and other materials currently on the property.

7. The terms of the Interim Consent Order dated December 6, 2006 and the April 27, 2009 Order are hereby incorporated into this Final Order where relevant.<sup>1</sup>

If the Respondent fails to comply with this Final Order, the Department will seek revocation of license and/or to impose administrative penalties.

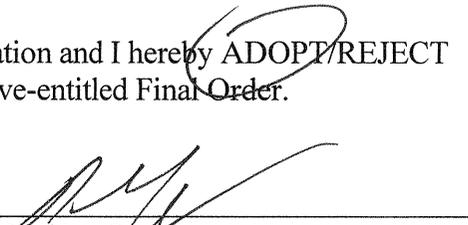
As recommended by:

Date: October 11, 2012

  
Catherine R. Warren  
Hearing Officer

I have read the Hearing Officer's recommendation and I hereby ADOPT/REJECT the recommendation of the Hearing Officer in the above-entitled Final Order.

Date: 12 October 2012

  
Paul McGreevy  
Director

Entered as an Administrative Order No.: 12 - 057 this 16<sup>th</sup> day of October, 2012.

<sup>1</sup> For example, the clean-up dates and the provision to comply with DEM's noncompliance order in said orders are no longer relevant but the travel of the case, the monthly reports, and the Department's jurisdiction are still relevant, etc.

**NOTICE OF APPELLATE RIGHTS**

**THIS DECISION 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, THIS 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.**

**CERTIFICATION**

I hereby certify that on this 16<sup>th</sup> day of October, 2012, that a copy of the within Final Order of Conditional Licensing was sent by first class mail, postage prepaid to –

Timothy Dodd, Esquire  
215 Broadway  
Providence, RI 02903

Michael Ursillo, Esquire  
Ursillo, Teitz & Ritch, Ltd.  
2 Williams Street  
Providence, RI 02903

and by electronic delivery to –

Neena Sinha Savage, Esquire  
Maria D'Alessandro, Deputy Director,  
Kimberly Precious, Implementation Aide  
Department of Business Regulation  
Pastore Complex  
1511 Pontiac Avenue  
Cranston, RI.

A handwritten signature in black ink, appearing to read "Carl Anthony S. Sauer", written over a horizontal line.