

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE CENTER, BLDGS 68-69  
1511 PONTIAC AVENUE  
CRANSTON, RHODE ISLAND 02920**

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**IN THE MATTER OF:**

**Santana's Auto Body,**

**Respondent.**

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**DBR No.: 10-L-0197**

**ORDER OF SUSPENSION**

The above-entitled matter came on for hearing pursuant to the Department of Business Regulation's ("Department") Order To Show Cause, Notice of Hearing and Appointment of Hearing Officer ("Notice") issued by the Department on December 28, 2010 to Santana's Auto Body ("Respondent"). The Respondent currently holds an automobile body repair shop license ("License") pursuant to R.I. Gen. Laws § 5-38-1 *et seq.* The Notice was sent by first class mail and certified mail which the Respondent received. See Department's Exhibit One (1) (certified mail tracking sheet showing receipt of Notice). The Respondent received adequate notice of this hearing. The Respondent did not appear at the January 11, 2011 pre-hearing conference. At hearing, the Department's counsel requested that Respondent's License be suspended until such time the Respondent provides proof of insurance as required by Section 4(D) of *Commercial Licensing Regulation 4 - Motor Vehicle Body Repair* ("CLR4").

Subsequent to the hearing, the Respondent indicated that it would provide proof of insurance. The Department notified the Respondent that such proof must be provided

by January 31, 2011 or else it would inform the undersigned that no proof had been provided. To date, the Respondent has not submitted any proof of insurance to the Department or to the undersigned. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 5-38-1 *et seq.*

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings* (“CMR2”), the Respondent is declared to be in default for failing to appear at the pre-hearing conference.

2. Pursuant to Section 21 of the CMR2, the allegations in the Notice are found to be true.

3. The Respondent has not provided the Department with proof of insurance as required by Section 4(D) of CLR4.

Based on the foregoing, the undersigned makes the following conclusions of law:

1. The Respondent is in violation of R.I. Gen. Laws § 5-38-10 (failure to comply with any statute or regulation) and Section 4(D) of CLR4 by its actions as set forth in the Notice.

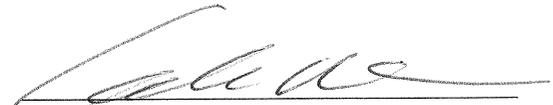
On the basis of the foregoing, the undersigned makes the following recommendation:

1. The Respondent’s License is hereby immediately suspended for violating R.I. Gen. Laws § 5-38-10 and Section 4(D) of CLR4.

2. As the Respondent’s License is suspended, it shall immediately cease and desist from engaging in any automobile body repair work.

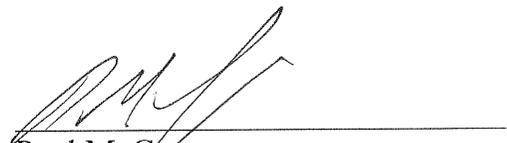
3. The Respondent's License suspension may be lifted by the Respondent providing proof of insurance AND entering into an agreement with the Department to lift the suspension and pay an administrative penalty.<sup>1</sup>

Date: February 3, 2011

  
Catherine R. Warren  
Hearing Officer

I have read the Hearing Officer's recommendation in this matter and I hereby ADOPT/REJECT the findings of facts, the conclusions of law, and the recommendation of the hearing officer in the above-entitled Order of Revocation.

Date: 4 February 2011

  
Paul McGreevy  
Director

Entered as Administrative Order No. 11-009 on the 7th day of February, 2011.

**NOTICE OF APPELLATE RIGHTS**

**THIS ORDER 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.**

<sup>1</sup> The Respondent must be aware that even if it provides proof of insurance after this order is issued, that alone cannot lift the suspension because the suspension can only be lifted by action of the Department.

**CERTIFICATION**

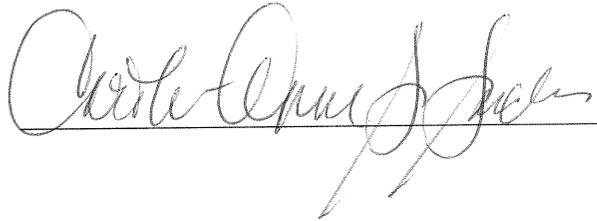
I hereby certify on this 7<sup>th</sup> day of February 2011, that a copy of the within Order was sent by first class mail, postage prepaid, and also by certified mail, return receipt requested, to:

Santana's Auto Body  
289 Thurbers Avenue  
Providence, RI 02905

Mr. Cesar Hilario  
29 Lillian Street  
Providence, RI 02905

and by electronic delivery to -

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



Charles A. Jones