

**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:**

**Americar Sales and Collision Center, Inc.,**

**Respondent.**

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**DBR No. 12AB54  
DBR No.: 11-L-0072**

**ORDER OF REVOCATION**

The above-entitled matter came for hearing pursuant to the Department of Business Regulation's ("Department") Emergency Order to Cease and Desist, Show Cause, Appointment of Hearing Officer, and Notice of Pre-Hearing Conference ("Emergency Order") issued by the Department on May 10, 2012 to Americar Sales and Collision Center, Inc. ("Respondent"). The Respondent currently holds a license ("License") as an automobile body shop pursuant to R.I. Gen. Laws § 5-38-1 *et seq.* The Department was represented by counsel. No one appeared for the Respondent. At hearing, the Department's counsel indicated that she spoke by telephone with Respondent's counsel who had received a copy of an Emergency Order and he indicated that no one would be appearing at hearing. As the Respondent had adequate notice<sup>1</sup> but did not appear, a hearing was held.

At hearing, the Department submitted a copy of the Consent Agreement which the Department and Respondent entered into on March 12, 2012 allowing for a conditional

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<sup>1</sup> Notice was sent by first class mail and certified mail to both Respondent and counsel. There was also testimony at hearing that the Emergency Order was hand-delivered to the Respondent's counsel. Notice was more than adequate.

automobile body repair shop license to issue to Respondent. See Department's Exhibit One (1). The Department also submitted the Pawtucket Police Department's police reports regarding its investigation of the Respondent. See Department's Exhibit Two (2).

At hearing, John Mancone, Chief Public Protection Officer for the Department, testified on behalf of the Department. He testified that on May 6, 2012, the police were at Respondent's location to investigate. He testified that he went to the Respondent's location on May 7, 2012 and there were five (5) people there seeking the return of their cars. He testified that the Department received ten (10) recent complaints regarding the Respondent and the Pawtucket Police received 45 complaints. See Department's Exhibit Two (2). He testified that he hand delivered the Emergency Order to the Respondent's counsel.

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 in Administrative Hearings* ("CMR2"), the Respondent is declared to be in default for failing to appear at the hearing.

2. Pursuant to Section 21 of CMR2, the allegations in the Emergency Order are found to be true including but not limited to the following:

- A. The Respondent failed to pay any of the administrative penalty required by said Consent Agreement.
- B. The Respondent failed to provide monthly reports to the Department.
- C. The Respondent failed to report all customer complaints to the Department.
- D. The Respondent collected money for repairs which were never performed.
- E. The Respondent kept vehicles for long periods of time without repairing the vehicles.
- F. The Respondent performed substandard repairs to vehicles.
- G. Vehicles given to the Respondent's care, custody, and control went missing.

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

The Respondent violated R.I. Gen. Laws § 5-38-10(1) (unfit to do business as an automobile body shop), (3) (failure to comply with statute and regulation), (4) (defrauding customers), (7) (engaging in unconscionable practices related to its business), and (8) (willful failure to perform work contracted for).

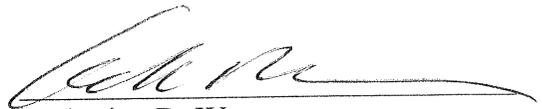
On the basis of the forgoing, the undersigned makes the following recommendation:

1. The Respondent's License is revoked.
2. The Respondent shall cease and desist from any activities requiring licensing as an automobile body repair shop.
3. The Respondent shall immediately provide to the Department the information required and set forth in paragraph B, page four (4) of the Emergency Order.
4. The Respondent shall take any statutory or regulatory action required to remedy any complaints.

Furthermore, if the Respondent and/or its owners in future apply for licensing from the Department this action shall be considered in any decision taken to grant or deny licensing.

Date:

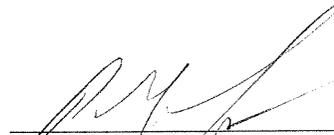
5/29/12

  
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:

29 May 2012

  
Paul McGreevy  
Director

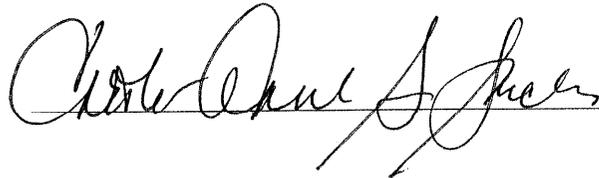
Entered as Administrative Order No. 12-035 on the 30<sup>th</sup> day of May, 2012.

### 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.**

### CERTIFICATION

I hereby certify on this 30<sup>th</sup> day of May, 2012, that a copy of the within Order was sent by first class mail, postage prepaid to Americar Sales & Collision Center, Inc., 626 Main Street, Pawtucket, RI 02860 and Peter Petrarca, Esquire, 330 Silver Spring Street, Providence, RI 02904 and by electronic delivery to Neena Sinha Savage, Esquire and Maria D'Alessandro, Deputy Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI

  
Charles Paul S. Jones