

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

In the Matter of:	:	
All Hooked Towing and Recovery, LLC	:	
D&D Auto Transport, LLC	:	DBR No.: 18AS004
Dylan Harris and Nicole Myers,	:	
	:	
RESPONDENTS.	:	

CEASE AND DESIST ORDER

The above-entitled matter came for a hearing on December 11, 2018 pursuant to the Department of Business Regulation’s (“Department”) Order to Show Cause Why Cease and Desist Order Should Not Issue, Notice of Prehearing Conference; and Appointment of Hearing Officer ("Order to Show Cause") issued by the Department on November 30, 2018 to All Hooked Towing and Recovery, LLC (“All Hooked”), D&D Auto Transport, LLC (“D&D”), Dylan Harris (“Harris”) and Nicole Myers (“Myers”) (collectively “Respondents”). The Respondents did not appear on December 11, 2018 at the pre-hearing conference. Pursuant to Section 2.9 of the 230-RICR-100-00-2 *Rules of Procedure for Administrative Hearing* (“Rules”), service may be made by hand-delivery or first-class mail and service is complete upon mailing when sent to the last known address of the party. In this matter, the Order to Show Cause was sent to the Respondents’ last known address by first class and certified mail.¹ Since the Respondents were adequately noticed

¹ The Order to Show Cause was sent by first class and certified mail to Respondents’ most recent addresses known to the Department. The address used for All Hooked and Myers was the address on record with the Public Utilities Commission (“PUC”). PUC’s records show that All Hooked is owned by Myers and has a towing license from the PUC. The United States Post Office tracking website showed that the Order to Show Cause sent by certified mail to All Hooked and Myers was delivered to them. See Department’s Exhibits A (email with PUC information) and B (print out of said tracking). The Rhode Island Secretary of State’s website show that D&D is domestic limited liability company and its registered agent is Harris and that D&D and Harris have the same address. See Department’s Exhibit

of hearing, a hearing was held before the undersigned on December 11, 2018. Additionally, Section 2.21 of the Rules provides that a default judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Department was represented by counsel who rested on the record. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.* and the Rules.

The following exhibits were entered at the pre-hearing conference:

1. Photograph of a blue truck bearing a sign saying “All Hooked Towing & Recovery.” See Department’s Exhibit E. This corresponds with paragraph seven (7) of the Order to Show Cause.

2. Photograph of a red truck bearing a sign saying “All Hooked Towing & Recovery.” See Department’s Exhibit F. This corresponds with paragraph eight (8) of the Order to Show Cause.

3. Facebook advertisements for “all hooked towing” for “cash for junk cars” and a photograph on the Facebook page showing a truck with a sign saying “D&D cash for junk cars.” See Department’s Exhibit G. This corresponds with paragraph 17 of the Order to Show Cause.

In the Order to Show Cause, the Department found as follows: 1) Respondents are not licensed as an auto wrecking and salvage yard pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.*; 2) the Respondents leased property for the storage of unregistered vehicles and disassembled motor vehicles and parts such as fenders, bumpers, tires, rims, etc.; 3) Respondents sold parts to customers from the leased property as part of an auto wrecking and salvage line of business; 4) the Respondents leased the property to approximately May, 2018; 5) as of the November 13, 2018, the Respondents were advertising online “cash for junk cars by all hooked towing” (sic) and soliciting for buyers to sell their “junk cars” to “All Hooked Towing”; and 6) the Respondents continue to act as an unlicensed auto wrecking and salvage yard.

C (Secretary of State print out from its website). The United States Post Office tracking website indicated that the Order to Show Cause was delivered to D&D and Harris. See Department’s Exhibit D (print out of said tracking).

At hearing, the Department requested that the undersigned make findings of facts on the basis of the Order to Show Cause and enter a default judgment against the Respondents.

R.I. Gen. Laws § 42-14.2-3 provides as follows:

License required. – No person shall establish or operate an auto wrecking yard or auto salvage yard without a license therefor as provided in this chapter and in chapter 21 of title 5. The license issued to a licensee for the operation of an auto wrecking yard or auto salvage yard shall be utilized solely at that location specified on the license, and said location shall be used substantially for that operation, and not as a subordinate of a related business. The subordinate or related business, if any, will be separate and apart from the auto wrecking yard and auto salvage yard operation.

R.I. Gen. Laws § 42-14.2-1(b) defines an auto wrecking yard or an auto salvage yard as follows:

(b) "Auto wrecking yard" or "auto salvage yard" . . . as used in this chapter, means land upon which a person, firm, corporation, or association destroys, junks, dismantles, or stores for later dismantling or destruction motor vehicles or parts thereof, and may engage in the sale of used motor vehicle parts, or scrap therefrom.

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

1. Pursuant to Section 2.21 of the Rules, the Respondents are declared to be in default for failing to appear at the pre-hearing conference.
2. Pursuant to Section 2.21 of the Rules, the allegations in the Order to Show Cause are found to be true and the exhibits entered at hearing are found to be true. The allegations in the Order to Show Cause are hereby incorporated by reference into this order as findings of facts.

Based on the evidence and the Order to Show Cause and the foregoing, the undersigned makes the following conclusion of law:


1. The Respondents are engaged in the activity of an automobile wrecking and salvage yard (as defined by R.I. Gen. Laws § 42-14.2-1(b)) and are not licensed as an automobile wrecking and salvage yard as required by R.I. Gen. Laws § 42-14.2-3.

2. The Respondents violated R.I. Gen. Laws § 42-14.2-1 *et seq.* by acting as an unlicensed automobile wrecking and salvage yard.

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

Pursuant to R.I. Gen. Laws § 42-14.2-20,² the Respondents are hereby ordered to cease and desist from engaging and acting as an automobile wrecking and salvage yard in the State of Rhode Island.


Entered this 19th day of December, 2018.


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.

Date:

12/20/18


Elizabeth Tanner, Esquire
Director

² R.I. Gen. Laws §42-14.2-20 provides in part as follows:

§ 42-14.2-20 Cease and desist orders. – (a) If the department shall have reason to believe that any person, firm, corporation, or association is violating the provisions of this chapter, the department may issue its order to that person, firm, corporation, or association commanding them to appear before the department at a hearing to be held not sooner than ten (10) days nor later than twenty (20) days after issuance of the order to show cause why the commission should not issue an order to the person to cease and desist from the violation of the provisions of this chapter.

(b) An order to show cause may be served on any person, firm, corporation, or association named therein by any person in the same manner that a summons in a civil action may be served, or by mailing a copy of the order to the person at any address at which he or she has done business or at which he or she lives. If upon the hearing the department shall be satisfied that the person is in fact violating any provision of this chapter, then the department shall order that person, in writing, to cease and desist from the violation. At any hearing, any person subject to an order of the department to cease and desist may be represented by counsel.

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 20th day of December, 2018, that a copy of the within Order was sent by first class mail, postage prepaid, and also by certified mail, return receipt requested to

Nicole Myers
Resident Agent for All Hooked Towing and Recovery, LLC
63 Dexter Rd.
East Providence, RI 02914

Dylan Harris
D&D Auto Transport, LLC
63 Raymond Street
East Providence, RI 02914

Dylan Harris and/or Nicole Myers
All Hooked Towing and Recovery, LLC
And/or D&D Auto Transport, LLC
21 Calef Street, Cranston, RI 02907

All Hooked Towing, LLC
c/o Nicole Myers
636 County Road
Barrington, RI 02806

and by electronic delivery to Jenna Giguere, Esquire, Donna Costantino, Associate Director, and John Mancone, Inspector, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI.