

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

IN THE MATTER OF	:	
	:	
JAMES CALDERONE	:	DBR No. 13AB143
d/b/a Shady's Automotive & Hot Rods	:	
	:	
RESPONDENT.	:	

CONSENT AGREEMENT

The Division of Commercial Licensing ("Division") of the Rhode Island Department of Business Regulation ("Department") enters into this Consent Agreement ("Agreement") with James Calderone d/b/a Shady's Automotive & Hot Rods ("Respondent") to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondents that:

1. Respondent operates a business located at 47 Stilson Road, Richmond, Rhode Island (the "Premises").
2. On or about May 15, 2009, the Department issued a special use auto body repair license to the Respondent for the Premises (the "License"), which permits auto body work other than painting.
3. The renewal application was due December 31, 2012, a deadline set pursuant to the Department's statutory authority under R.I. Gen. Laws § 5-38-7(a).
4. The Respondent failed to submit a "timely" and "sufficient" renewal application within the meaning of R.I. Gen. Laws § 42-35-14(b).

5. The Department's Chief Public Safety Inspector inspected the premises on December 2, 2013 and determined that the Respondent was engaged in unlicensed auto body repair.
6. R.I. Gen. Laws § 5-38-4 provides that "[n]o 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 Division agrees to grant the renewal of the License upon satisfaction of the following conditions:
 - a. The Respondent shall satisfy all requirements of licensure by submitting all application materials, including the \$ 900 renewal fee.
 - b. The Respondent shall pay an administrative penalty of \$ 500.
8. If the Respondent has not achieved full compliance with Commercial Licensing Regulation 16 *Motor Vehicle Body Repair Technician Certification* ("CLR 16"), the License renewal shall only be granted on the condition that the Respondent satisfy the requirements of CLR 16 ninety (90) days from the date that this Agreement is executed. If this condition applies, the Respondent understands that failure to achieve full compliance within 90 days may result in suspension, revocation, or other disciplinary action without a hearing. If the Respondent cannot fulfill the course requirements due to the non-availability of the required courses and through no fault of his own, the Division may extend the time to comply.

9. The Respondent may apply to redesignate its license as a full collision auto body license. All requirements for said category of license shall be satisfied before the Division may grant the reclassification. No additional application fee will be required for redesignation through the end of the current license term.
10. The Respondent may add Mr. Jason Calderone's name to the license upon submission of his criminal history information.
11. Respondent voluntarily waives any right to an administrative hearing and appeal to Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
12. If Respondent fails to abide by the requirements of this Consent Agreement, the Department may initiate further administrative proceedings against the Respondent.

For the Division:

Maria D'Allessandro
Date: 1/21/14

Maria D'Alessandro, Esq.
Securities, Commercial
Licensing and Racing and Athletics

For the Respondents:

James J. Calderone
Date: 1-21-14

James Calderone
d/b/a Shady's Automotive &
Hot Rods