

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE
BUILDINGS 68-69
CRANSTON, RI 02920**

<u>IN THE MATTER OF:</u>	:	
	:	
LINDBERGH AUTO BODY, INC.,	:	DBR NO. 13AB138
	:	
<u>RESPONDENT.</u>	:	

CONSENT AGREEMENT

The Department of Business Regulation (“DBR”/”Department”) and Lindbergh Auto Body, Inc. (“Respondent”) hereby consent to the following terms to resolve the above-captioned matter:

1. The Respondent acknowledges that DBR has alleged certain facts, statutory and regulatory authority and statutory violations against Respondent in an Order to Show Cause Why Cease and Desist Should Not Issue, Notice of Hearing and Appointment of Hearing Officer (“Order to Show Cause”) issued on December 12, 2013 in this matter.
2. The Department represents that had this matter gone to hearing, the Department would have been prepared to present witnesses, documents, and other evidence of Respondent’s violations to support the alleged violations indicating that Respondent had engaged in activity in violation of the statutory requirements in R.I. Gen. Laws § 5-38-1 *et seq.*


3. The Respondent acknowledges that had this matter proceeded to hearing that DBR would have been able to establish a factual basis to support a violation of R.I. Gen. Laws §§ 5-38-10(1), (3), (4), (8) and (9).
4. The Respondent acknowledges that the employee primarily responsible for the violations at issue in this matter is no longer employed by the Respondent.
5. Respondent voluntarily waives its right to complete the hearing process, voluntarily waives its right to appeal to Superior Court, and acknowledges that it will agree to the terms of the Consent Agreement in remedying the issues in this matter.
6. Respondent must:
 - A. Permanently cease and desist from any further violations of R.I. Gen. Laws § 5-38-1 *et seq.*
 - B. Pay an administrative penalty of three thousand dollars (\$3,000) for the statutory violations described herein.
 - C. Reimburse the Complainant in this matter the amount of three thousand sixteen dollars and ninety-five cents (\$3,016.95).
 - D. For one year from the date of this Consent Agreement, take digital photos of all automobile body repairs both before and after the repair (and clearly show the damage at issue and the repair to that damage) in files that also include all documentation related to the repair of the vehicle including but not limited to all claim information, appraisals, estimates, parts ordered, receipts, parts used, and any other relevant documentary evidence.
 - E. The Respondent will be subject to random audit by the DBR (which authority the DBR has regardless of this Consent Agreement) and should that audit reveal

a violation of this Consent Agreement or a failure to adequately or accurately document all repairs, the DBR reserves its right to initiate further administrative action to revoke, suspend Respondent's license and/or impose an appropriate administrative penalty.

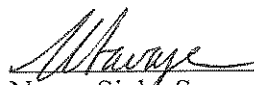
7. The Department will initiate further administrative proceedings to impose appropriate penalties and seek appropriate remedies against Respondent for any further violations of this Consent Agreement.

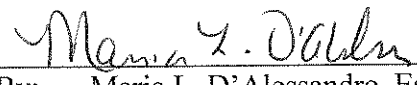
CONSENTED TO AS TO FORM AND SUBSTANCE BY:

Authorized Representative of Respondent:

 1-13-14
By: Mark DeSimone

Department:

By: 
Neena Sinha Savage, Esq.
Chief of Legal Services
Department of Business Regulation

By: 
Maria L. D'Alessandro, Esq.
Deputy Director
Commercial Licensing Division

Date: 1-13-14

Date: 1/13/14

CERTIFICATION

I hereby certify that on this 13th day of January, 2014 a copy of this Consent Agreement was sent by first class mail postage prepaid and certified mail and email to:

Mr. Robert DeSimone
58 Smithfield Avenue
Pawtucket, RI 02860

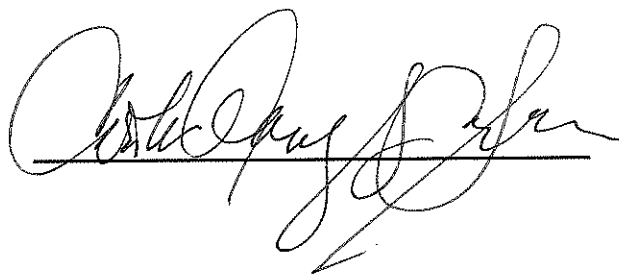
Mr. Kenneth James
87A Chandler Avenue
Pawtucket, RI 02860

and by hand delivery to:

Maria D'Alessandro
Deputy Director, Commercial Licensing, Racing & Athletics and Securities Divisions
Department of Business Regulation

John Mancone
Chief Public Protection Inspector
Department of Business Regulation

Kimberly Precious
Implementation Aide
Department of Business Regulation

A handwritten signature in black ink, appearing to read "Robert DeSimone", is written over a horizontal line. The signature is cursive and stylized.