

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

<u>IN THE MATTER OF</u>	:	
	:	
HENRY MU and	:	
RI AUTOMOTIVE SPECIALISTS	:	DBR No. 13AB084
SALES & SERVICE, INC.	:	
	:	
<u>RESPONDENTS.</u>	:	

CONSENT AGREEMENT

The Division of Commercial Licensing (“Division”) of the Rhode Island Department of Business Regulation (“Department”) enters into this Consent Agreement (“Agreement”) with RI Automotive Specialists Sales & Service, Inc. (“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 Respondent that:

1. The Respondent is a business located at 13 Delaine Street, Providence, Rhode Island, 02909 (the “Premises”).
2. Henry Mu is the President and Treasurer of the Respondent.
3. Richard Oliveira is the Vice President and Secretary of the Respondent.
4. In 1989, the Department issued a full collision automobile body repair shop license (“License”) to the Respondent pursuant to R.I. Gen. Laws § 5-38-1 *et. seq.*

5. The renewal application for the current License term was due December 31, 2012, a deadline set pursuant to the Department's statutory authority under R.I. Gen. Laws § 5-38-7(a).
6. The Respondent failed to submit a "timely and sufficient" renewal application within the meaning of R.I. Gen. Laws § 42-35-14(b).
7. On or about July 24, 2013, the Division's Chief Public Protection Inspector inspected the Premises, finding evidence that auto body repair work was being performed thereon.
8. Accordingly, the Division has reasonable grounds to believe that auto body repair activity has been occurring on the Premises without current and valid licensure.
9. 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."
10. R.I. Gen. Laws § 5-38-19(b) authorizes the Department to issue an "order to show cause why the department should not issue an order to that person to cease and desist from the violation of the provisions of this chapter" if it "has reason to believe that any person, firm, corporation, or association is conducting an automobile body repair shop business without obtaining a license."
11. R.I. Gen. Laws § 5-38-10(3) provides that "[t]he department of business regulation may deny an application for license or suspend or revoke a license after it has been granted,

for...any failure to comply with the provisions of this section or with any [Department] rule or regulation.” This applies to denial of an application for renewal of a license.

12. The Division agrees to approve the renewal application for Respondent’s License upon satisfaction of all licensing preconditions described in the renewal application, including the \$900.00 renewal fee, and upon payment of an administrative penalty of \$ 500.00.
13. As part of its completed renewal application, the Respondent shall submit an updated list of officers. This renewal application shall not be treated as a transfer application because there is no change in the LLC entity that holds the License.
14. The Respondent agrees to cease and desist from all auto body repair work requiring a license “in full force and effect” under R.I. Gen. Laws § 5-38-1 *et seq.* until such time as the License is renewed pursuant to paragraph 12 above.
15. The Respondent understands that, if the License is successfully renewed for the current term, the next renewal application would be due December 31, 2015. Failure to file a timely and complete renewal application by that date may result in the Division initiating formal action to permanently revoke Respondents’ privilege to perform automobile body repair work.
16. In consideration of the foregoing, the Department agrees to withdraw the August 29, 2013 Order to Show Cause Why Cease and Desist Order and/or Other Administrative Penalties Should Not Issue.
17. By signing this Agreement, the Respondent voluntarily waives any right to an administrative hearing or appeal to Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*

18. By signing this Agreement, the Respondent acknowledges and understands that should Respondent violate the terms of this Consent Agreement and/or engage in any other administratively, criminally, or civilly sanctionable conduct, the Department retains full authority to refuse to issue an automobile body repair license, or, if granted, to revoke, suspend, fine, or refuse to renew the license, after notice and opportunity for hearing.

FOR THE DIVISION:

Maria D'Alessandro

Date: 1/27/14

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

FOR THE RESPONDENT:

Signature: [Signature]
Print name: Richard Oliveira
Title: VP

Date: 1/24/14

RI Automotive Specialists Sales & Services, Inc.
13 Delaine Street
Providence, R.I. 02909