

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

IN THE MATTER OF: :
 :
 :
Unlicensed Salvage Yard Activity on Providence Plat #30 :
Scott Morris d/b/a “Abby Road Properties” :
Reservoir Auto & Alignment Repair Services, LLC :
Rivas Auto Sales & Repairs, Inc. : **DBR No. 18AS001**
All Hooked Towing and Recovery, LLC :
One Way Auto :
Jose Lauriano :
John Doe(s) #1-3 :
 :
Respondents. :
 :

**PERMANENT CEASE AND DESIST ORDER RE: ABBY ROAD
PROPERTIES, LLC, SCOTT MORRIS, AND LLOYD MORSE**

On June 1, 2018, the Department of Business Regulation (“Department”) issued an Order To Show Cause Why Cease and Desist Order Should Not Issue, Notice of Hearing and Appointment of Hearing Officer (“Order to Show Cause”) to the above-captioned various entities. A status conference was held on June 22, 2018 in relation to the property (“Property”) at 44 Warren Street in Providence, Rhode Island. On September 27, 2018, an Interim Consent Order (“ICO”) was entered into by the Department with Abby Road Properties, LLC, Scott Morris, and Lloyd Morse (collectively “Respondents”). The ICO and its exhibits are hereby incorporated into this order by reference. A further hearing was held on January 17, 2019 at which time the parties agreed to a permanent cease and desist

being entered against the Respondents. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.*

At the January 17, 2019 hearing, John Mancone, Chief Public Protection Officer, testified on behalf of the Department. He testified that he began his investigation of the Property in Spring of 2018 and at that time, there were approximately 200 unregistered cars stored on the Property. He testified that he inspected the Property on October 3, 2018 and his last inspection was January 15, 2019. He testified that there are now ten (10) unregistered cars and one (1) unregistered camper still on the Property that need to be removed. See Department's Exhibit A (his January 16, 2019 memorandum showing the number of cars in October, 2018 and January, 2019 on the Property), B (map of Property with the six (6) lots marked); C (photographs of cars still in lot five (5)); and D (various photographs of the cars in the lots on the Property).

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:

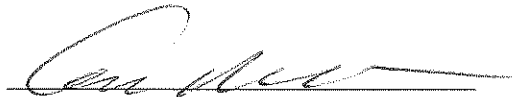
(b) "Auto wrecking yard" or "auto salvage yard" . . . as used in this chapter, means land upon which a person, firm, corporation, or association destroys, junks, dismantles, or stores for later dismantling or destruction motor vehicles or parts thereof, and may engage in the sale of used motor vehicle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

At hearing, the parties agreed that all the remaining vehicles on the Property – ten (10) unregistered cars and one (1) unregistered camper – shall be removed by the Respondents by January 31, 2019. Further, the parties agreed that no new vehicles shall be brought onto the Property and that the Property shall be not leased for the storage of unregistered vehicles and/or other activities required to be licensed under R.I. Gen. Laws § 42-14.2-1 *et seq.*

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

Pursuant to R.I. Gen. Laws § 42-14.2-20,¹ 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. Furthermore, the Respondents shall complete their clean up of the Property by removing the remaining ten (10) unregistered cars and one (1) unregistered camper by January 31, 2019. Finally, no new vehicles shall be brought onto the Property and the Property shall be not leased for the storage of unregistered vehicles and/or other activities required to be licensed under R.I. Gen. Laws § 42-14.2-1 *et seq.*

Entered this 24th day of January, 2019.


Catherine R. Warren
Hearing Officer

¹ R.I. Gen. Laws §42-14.2-20 provides in part as follows:

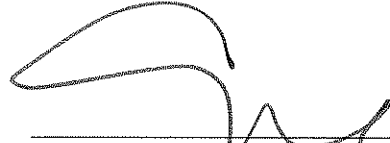
§ 42-14.2-20 Cease and desist orders. – (a) If the department shall have reason to believe that any person, firm, corporation, or association is violating the provisions of this chapter, the department may issue its order to that person, firm, corporation, or association commanding them to appear before 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.

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:

1/29/19


Elizabeth M. Tanner, Esquire
Director

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 29th day of January, 2019, that a copy of the within Cease and Desist Order was sent by first class mail, postage prepaid and by certified mail, return receipt requested to Scott Morris d/b/a Abby Road Properties, PO Box 328, Chepachet, R.I. and by first class mail, postage prepaid and by certified mail, return receipt requested and by electronic delivery to Lloyd Morse, 190 Monterey Drive, West Warwick, R.I. and by electronic mail to Jenna Giguere, Esquire, and Donna Costantino, Associate Director, and Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, R.I.