

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

IN THE MATTER OF:	:	
	:	
FRED'S AUTO BODY	:	Complaint No. 16-014
	:	
RESPONDENT.	:	

CONSENT AGREEMENT

The Commercial Licensing Division (“Division”) of the Rhode Island Department of Business Regulation (“Department”) enters into this consent agreement (“Agreement”) with Fred Phillips (“Respondent”) to resolve the above-captioned matter pursuant to its authority under R.I. General Laws § 42-35-9(d).

The Department and the Respondent hereby agree on the following:

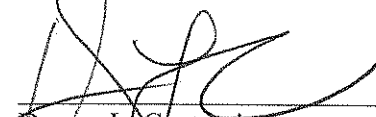
1. The Respondent operates an auto body shop (License No. 659B) licensed by the Department in accordance with R.I. Gen. Laws § 5-38-1 *et seq.*
2. On June 20, 2016, the Department received a complaint from Complainant alleging violations of R.I. Gen. Laws § 5-38-1 *et seq.* in connection with paint work performed to the Complainant’s 2002 BMW convertible (“subject vehicle”). The Complaint alleged, among other things, that:
 - A. The Respondent was asked to: paint the hood; perform some body work on the front bumper; blend the front and rear fenders; paint both side skirts and rear bumper; and fix cracks in the driver’s side rear quarter.

- B. When the Complainant went to pick up his car, the paint on the side skirts did not exactly match. According to the Complainant, the Respondent stated that there was not much that he could do so the Complainant paid for services rendered and retrieved his car.
- C. After one (1) month, popping and bubbling of paint occurred on the parts of the vehicle where work was performed by the Respondent.
3. In response to the Complaint, the Respondent alleged, among other things, that:
prior to any work being performed on the subject vehicle he advised the Complainant that such work would not be warranted due to the fact that the vehicle parts were not Original Equipment Manufacturer parts and had been previously customized.
 4. Respondent admits to failure to obtain written authorization from the Complainant prior to repairing the subject vehicle in violation of Commercial Licensing Regulation 4, Section 7(A) (v).
 5. There is a dispute between the Complainant and the Respondent as to whether the work performed was substandard and the Respondent makes no admissions in this regard.
 6. Other than the allegations set forth in the instant matter, Respondent has had no other disciplinary history as a licensed Auto Body Shop.
 7. In order to resolve this matter by agreement and avoid an administrative hearing, Respondent agrees to pay an administrative penalty of \$200.00 payable to the "General Treasurer, State of Rhode Island."
 8. By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent voluntarily waives his right to an administrative hearing or appeal to the

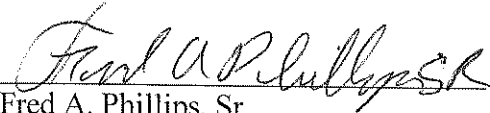
Rhode Island Superior Court under the Rhode Island Administrative Procedures Act, R.I.
Gen. Laws § 42-35-1 *et seq.*

9. If Respondent fails to abide by the requirements of this Consent Agreement, the Department may initiate further administrative proceedings against the Respondent.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:



Donna L. Costantino
Associate Director, Commercial Licensing
and Gaming and Athletics
Department of Business Regulation



Fred A. Phillips, Sr.
Fred's Auto Body
268 Washington Street
West Warwick, RI 02893

Date: 2/3/17

Date: 2/3/2017