

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

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IN RE: Bob Gustafson and Ed Young d/b/a	:	
“Bob & Sons” Unlicensed Salvage Activity in	:	
Rhode Island (Including at 22 Buck Hill Road Johnston)	:	DBR No.: 18AS003
RESPONDENTS.	:	

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**CEASE AND DESIST ORDER**

The above-entitled matter came for hearing on December 11, 2018 pursuant to the Department of Business Regulation’s (“Department”) First Amended Order to Show Cause Why Cease and Desist Order Should Not Issue, Notice of Prehearing Conference; and Appointment of Hearing Officer (“Amended Order”) issued by the Department on November 30, 2018 to Bob Gustafson and Ed Young d/b/a “Bob & Sons” (“Gustafson” and “Young” and collectively “Respondents”). An initial order to show cause was issued to the Respondents on October 17, 2018 after which a pre-hearing conference was held on November 15, 2018 at which time the Respondents did not appear but the Respondents’ landlord did appear. The Amended Order was issued to the Respondents on November 30, 2018. The Respondents did not appear on the December 11, 2018 at the pre-hearing conference. Pursuant to Section 2.9 of the 230-RICR-100-00-2 *Rules of Procedure for Administrative Hearing* (“Rules”), service may be made by hand-delivery or first-class mail and service is complete upon mailing when sent to the last known address of the party. In this matter, the Amended Order was sent to the Respondents’ last known address by first class and certified mail.<sup>1</sup> Since the Respondents were adequately noticed of

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<sup>1</sup> The Amended Order was sent by first class and certified mail to Respondents’ most recent addresses known to the Department. The United States Post Office tracking website showed that the Amended Order sent by certified mail

hearing, a hearing was held before the undersigned on December 11, 2018. Additionally, Section 2.21 of the Rules provides that a default judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Department was represented by counsel who rested on the record. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.* and the Rules.

The following exhibits were entered at the pre-hearing conference:

1. Gustafson's advertisements for "junk cars wanted" and "same day removal" in Bargain Buyer (a northwestern Rhode Island shopping guide). See Department's Exhibit D. This corresponds with paragraph 12 of the Amended Order.
2. Gustafson's Facebook advertisements for auto salvage services. See Department's Exhibit E. This corresponds with paragraph 13 of the Amended Order.

In the Amended Order, the Department found as follows: 1) Respondents are not licensed as an auto wrecking and salvage yard pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.*; 2) in 2015, the Department issued a cease and desist order to Bob & Sons ordering it to cease and desist from acting as an unlicensed automobile wrecking and salvage yard;<sup>2</sup> 3) an inspection in August, 2018 to the property identified in the Amended Order found 35 unregistered vehicles; 4) as of the November 5, 2018 pre-hearing conference, the Respondents were no longer renting said property; and 5) the Respondents continue to act as an unlicensed auto wrecking and salvage yard due to their advertising of the same even if they are no longer located at said property.

At hearing, the Department represented that a further inspection conducted that day showed that a few vehicles remain at said property and the Department will continue to work with the

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to Young was delivered to Young. See Department's Exhibit A (print out of said tracking). The United States Post Office tracking website indicated that the Amended Order sent to Gustafson by certified mail was forwarded to a different address in Rhode Island on December 6, 2018. See Department's Exhibit B (print out of said tracking). The Department requested that the undersigned allow ten (10) days before issuing an order so to allow time for Gustafson, if he chose, to contact the Department after the receipt of the forwarded Amended Order. Gustafson did not contact the Department by December 21, 2018. Neither Amended Order sent by certified mail was returned to the Department.

<sup>2</sup> See *In the Matter of: Bob and Sons Trucking*, DBR 15AS001 (7/17/15) (the same entity at the same location).

landlord regarding those vehicles. At hearing, the Department requested that the undersigned make findings of facts on the basis of the Amended Order and enter a default judgment against the Respondents.

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.

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 2.21 of the Rules, the Respondents are declared to be in default for failing to appear at the pre-hearing conference.
2. Pursuant to Section 2.21 of the Rules, the allegations in the Amended Order are found to be true and the exhibits entered at hearing are found to be true. The allegations in the Amended Order are hereby incorporated by reference into this order as findings of facts.

Based on the evidence and the Amended Order and the foregoing, the undersigned makes the following conclusion of law:

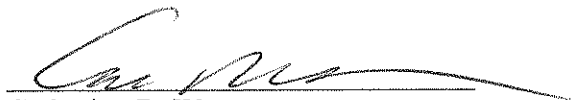
1. The Respondents are engaged in activity of an automobile wrecking and salvage yard (as defined by R.I. Gen. Laws § 42-14.2-1(b)) and are not licensed as an auto wrecking and salvage yard as required by R.I. Gen. Laws § 42-14.2-3.

2. The Respondents violated R.I. Gen. Laws § 42-14.2-1 *et seq.* by acting as an unlicensed automobile wrecking and salvage yard.

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


Pursuant to R.I. Gen. Laws § 42-14.2-20,<sup>3</sup> 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.

Entered this 28<sup>th</sup> day of December, 2018.

  
Catherine R. Warren  
Hearing Officer

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: 1/3/19

  
Elizabeth Tanner, Esquire  
Director

<sup>3</sup> 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.

**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 3<sup>rd</sup> day of *January*, 2019, that a copy of the within Order was sent by first class mail, postage prepaid, and also by certified mail, return receipt requested to Bob Gustafson, 12 Staghead Drive, Pascoag, R.I. 02859 and Edward Young, 117 Liberty Lane, West Kingstown, R.I. 02816 and to Bob & Sons/Bob Gustafson/Edward Young, 22 Buck Hill Road, Johnston, R.I. and by electronic delivery to Jenna Giguere, Esquire, Donna Costantino, Associate Director, and John Mancone, Inspector, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI.

  
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