

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

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

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**PERMANENT CEASE AND DESIST ORDER RE: JOSE LAURIANO**

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 at which time Jose Lauriano ("Respondent") agreed to the entry of a temporary cease and desist order against him which was then issued on June 27, 2018. By request dated July 13, 2018, the Department requested that the Order to Show Cause be updated to add further information relating to the property at issue and the various entities' usage of said property. A status conference was held on August 8, 2018 at which time none of the above-captioned respondents appeared so that the Order to Show Cause was ordered updated. On August 31, 2018, the Department filed a motion to make permanent the temporary cease and desist order issued against the Respondent and to further supplement the Order to Show Cause in relation to the Respondent. At the hearing held on September 18, 2018, the Respondent did not appear. Since

the Respondent was adequately noticed of hearing,<sup>1</sup> a hearing was held before the undersigned on September 18, 2018.<sup>2</sup> At hearing, the Department's counsel requested that the undersigned further supplement the Order to Show Cause and to make findings of facts on the basis of the Order to Show Cause (as updated in August and September, 2018) and to enter a default judgment against Respondent to make the cease and desist order permanent. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.*

The request by the Department for the Order to Show Cause be further supplemented was uncontested at the September 18, 2018 hearing. Therefore, based on the foregoing, the Order to Show Cause is ordered updated for a second time pursuant to the Department's request filed August 31, 2018.

The Order to Show Cause as issued to the Respondent and updated in August and September, 2018 stated the following: 1) that within certain property within Providence, R.I., the Respondent was operating an unlicensed salvage yard in a portion marked in Exhibit D (in the second request to supplement the Order to Show Cause); 2) the Department's initial inspection of the entire property had found approximately 200 vehicles in disrepair as well as numerous vehicle parts; 3) at the time of the initial Department inspection of the entire property, the Respondent represented he had 20 unregistered cars on said portion of the property; 4) after the initiation of this action, the Respondent represented to the Department that he had removed from his location

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<sup>1</sup> The Order to Show Cause was sent by first class and certified mail. The Respondent received the certified mail. See Department's Exhibit One (1) (United States Post Office tracking sheet of the certified mail delivery). The Department further notified the undersigned that the Respondent appeared two (2) hours after the scheduled hearing time and did not object to the issuance of a default judgment.

<sup>2</sup> Pursuant to a delegation of authority by the Director of the Department of Business Regulation.

the 20 unregistered vehicles; and 5) the Respondent does not hold an auto wrecking or salvage license issued pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.*

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 230-RICR-10-00-2 *Rules of Procedure for Administrative Hearing*, the Respondent is declared to be in default for failing to appear at the hearing.

2. Pursuant to Section 2.21 of the 230-RICR-10-00-2 *Rules of Procedure for Administrative Hearing*, the allegations in the Order to Show Cause (as supplemented twice) are found to be true. The allegations in the Order to Show Cause (as supplemented twice) are hereby incorporated by reference into this order as findings of facts.

Based on the evidence and the Order to Show Cause and the foregoing, the undersigned makes the following conclusion of law:


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

2. The Respondent violated R.I. Gen. Laws § 42-14.2-1 *et seq.* by acting as an unlicensed auto wrecking yard or 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 Respondent is hereby ordered to cease and desist from engaging and acting as an auto wrecking yard or salvage yard. The Respondent shall remove any of his remaining unregistered vehicles and any other salvage vehicles or parts within 21 days from the execution of this decision.

Entered this 3<sup>rd</sup> day of October, 2018.

  
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Catherine R. Warren  
Hearing Officer

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<sup>3</sup> R.I. Gen. Laws §42-14.2-20 provides in part as follows:

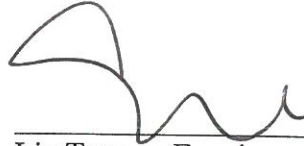
§ 42-14.2-20 Cease and desist orders. – (a) If the department shall have reason to believe that any person, firm, corporation, or association is violating the provisions of this chapter, the department may issue its order to that person, firm, corporation, or association commanding them to appear before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

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:

10/9/18



Liz 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 10<sup>th</sup> day of October, 2018, that a copy of the within Cease and Desist Order was sent by first class mail, postage prepaid, and also by certified mail, return receipt requested to Mr. Jose Lauriano, 11 Roger Williams Avenue, Providence, R.I. 02907 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.

