

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

**IN RE: UNLICENSED SALVAGE YARD ACTIVITY ON PROVIDENCE PLAT # 30
DBR No. 18AS001**

CONSENT ORDER – WILBUR DAVIS

On June 1, 2018, the Department issued an Order to Show Cause Why Cease and Desist Order Should Not Issue; Notice of Pre-hearing Conference; and Appointment of Hearing Officer (the “Order to Show Cause”). This action was initiated upon investigation into a significant number of unregistered automobiles stored on real property on Plat #30 in the Warren St. area of Providence, Rhode Island (the “Property”).

In order to resolve the Order to Show Cause as it pertains to **Wilbur Davis** (“Davis”) without an administrative hearing, the Department of Business Regulation, Commercial Licensing Division (“Division”) and Davis have agreed to the below compliance terms based on the below summarized background, positions, and representations. The Consent Agreement does not address any matters still pending with respect to any other parties to the Order to Show Cause.

1. The Order to Show Cause is incorporated by reference to reflect the Department’s allegations that Davis was operating as an unlicensed auto salvage yard for storage of unregistered vehicles without the requisite Auto Wrecking and Salvage Yard License from the Department. **See Exhibit A.**
2. This enforcement matter is governed by Chapter 42-14.2 of the Rhode Island General Laws entitled “Department of Business Regulation – Automobile Wrecking and Salvage Yards,” hereinafter referred to as the “Salvage Yard Law”).

3. Davis represented that it is using a portion of the Property under an oral rental agreement. That portion of the Property is labeled in **Exhibit B** and hereinafter referred to as the “Davis Property.” The Davis Property is the first building on the southerly side of the intersection of Fuller St. and Warren St. with a garage door entrance on Warren St.
4. Davis represented that One Way Auto, Inc., originally named as “Respondent E” is his employer but has no involvement at the Davis Property. Rather, Davis represented that he uses the Davis Property for his individual use and not in the scope of his employment. A representative of One Way Auto, Inc. confirmed the same.
5. Davis represented that all unregistered vehicles that he has custody or control over at the Davis Property are stored inside of a permanent structure (building with four walls and a roof).
6. Davis hereby agrees to cease and desist any activity constituting an unlicensed auto salvage yard at the Davis Property. Specifically, Davis agrees to cease storing any of the following at the Davis Property: unregistered motor vehicles, motor vehicle parts, metals, hazardous waste, junk, second hand articles or related auto wrecking and salvage materials (“Auto Salvage Materials”) except as provided in subparagraph A below.
 - A. Exception Vehicles. Davis may retain up to two (2) unregistered vehicles that are owned by Davis, kept only for personal use, and stored inside of the four walls of a permanent structure building on the Davis Property.
7. Davis further agrees to remove all Auto Salvage Materials from the Property other than those specifically permitted under Paragraph 6(A) by October 1, 2018 and under the following Clean-Up Conditions:

- A. Davis shall only move Auto Salvage Materials to locations at which such storage is lawfully permitted and not otherwise violative of the Salvage Yard Law. It is the responsibility of Davis to deliver the Auto Salvage Materials to a properly Licensed Auto Wrecking and Salvage Yard.
 - B. It is also the responsibility of Davis to comply with any and all applicable environmental laws in conducting this Clean-Up.
 - C. Davis shall document its Clean-Up plan and progress by listing each unregistered motor vehicle on the Davis Property (by make, model, year, and VIN number) and the date and location to which it is moved off the Davis Property. Davis shall provide status updates on the first day of every month during the Clean-Up.
8. Davis further agrees that it shall not conduct any activity that requires an automobile body repair shop license under Chapter 5-30 of the Rhode Island General Laws without the requisite licensure.
9. If Davis ceases to lease at the Property, it shall notify the Division immediately and provide supporting documentation.
10. The Division and its authorized employees and agents shall be entitled to conduct inspections of the Davis Property at all reasonable times to monitor compliance to with this Agreement, R.I. Gen. Laws § 42-14.2-1 *et seq.* (the “Act”), and Commercial Licensing Regulation 6 (“CLR 6). Respondents will cooperate with the Division in the performance of such inspections.
11. In consideration of the above, the Division will not take any immediate further administrative action against Davis.

12. Waiver of Hearing and Appeal. By agreeing to resolve this matter through the execution of this Consent Order, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*

13. Enforcement. If the Respondent fails to comply with any term or condition of this Consent Order within any applicable time period set forth herein, the Respondent will be in violation hereunder and the Department may take immediate and/or heightened enforcement or other action in accordance with applicable law.

14. Compliance; Other Laws. Compliance with the terms of this Consent Order does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

For the Division:

 Dated: 7/3/18


Donna Costantino
Associate Director
DBR Division of Commercial Licensing

For the Respondent:

 Dated: 7/3/18

Wilbur Davis

RECOMMENDED BY:


Date: 7/9/18

Catherine Warren
Hearing Officer

ORDER AND NOTICE ON NEXT PAGE

ORDER

I have read the Consent Order as agreed to by and between the parties in the above captioned matter and I hereby take the following action:

Approve

Reject

Dated: 8/14/98



Elizabeth Tanner
Director

NOTICE PURSUANT TO R.I. GEN. LAWS § 42-35-12

THIS ORDER CONSTITUTES A FINAL ACTION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. FINAL AGENCY ACTIONS ARE GENERALLY APPEALABLE TO THE SUPERIOR COURT WITHIN THIRTY (30) DAYS OF THE DATE OF THE ACTION BY FILING A PETITION FOR REVIEW OF SAID COURT. HOWEVER, THE RESPONDENT IS HEREBY NOTIFIED THAT BY WAIVING ITS RIGHT TO A COMPLETE HEARING AND AGREEING TO THIS CONSENT ORDER, ANY SUCH RIGHT OF APPEAL HAS BEEN WAIVED.

EXHIBIT A

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

IN RE: UNLICENSED SALVAGE YARD ACTIVITY ON PROVIDENCE PLAT # 30
DBR No. 18AS001

RESPONDENTS:

- A. Scott Morris d/b/a "Abby Road Properties" ("Respondent A")
- B. Reservoir Auto & Alignment Repair Services, LLC ("Respondent B")
- C. Rivas Auto Sales & Repairs, Inc. ("Respondent C")
- D. All Hooked Towing and Recovery, LLC ("Respondent D")
- E. One Way Auto ("Respondent E")
- F. Jose Lauriano ("Respondent F")
- G. John Doe(s) # 1- 3.

ORDER TO SHOW CAUSE WHY CEASE AND DESIST ORDER SHOULD NOT ISSUE;
NOTICE OF PREHEARING CONFERENCE; AND
APPOINTMENT OF HEARING OFFICER

Pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.*, and in satisfaction of the relevant provisions of the R.I. Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*, the Director of the Department of Business Regulation ("Department") hereby issues this Order to Show Cause Why Cease and Desist Order Should Not Issue, Notice of Pre-Hearing Conference and Appointment of Hearing Officer ("Order") to the above-named "Respondents" based upon the within summarized factual allegations and provisions of law. Pursuant to this Order, the Respondents shall appear before the Department to answer why Department should not issue an order to cease and desist auto wrecking and salvage yard operations.

Identification of Respondents and the "Subject Property"

1. City of Providence real estate records identify Respondent A (as "Abby Road Properties, LLC") to be the owner of record for certain real property on Plat # 30 in the City of Providence,

identified below by address and lot number and hereinafter referred to collectively as the "Subject Property."

Address	Lot #
59 Warren St	284
63 Warren St	285
102 Wilson St	291
72 Wilson St	284
78 Wilson St	285
50 Warren St	338
45 Warren St	307
17 Fuller St	308
212 Harrison St	344

2. "Abby Road Properties, LLC" is listed as a "Revoked Entity" with the Rhode Island Secretary of State ("RI SOS").
3. Scott Morris was identified as the owner of "Abby Road Properties" and of the Subject Property.
4. Lloyd Moss was identified as the property manager responsible for overseeing the Subject Property.

5. The Subject Property is leased and/or occupied by several businesses or persons, known or unknown, that each use the property for motor vehicle related purposes. Such businesses are hereinafter collectively referred to as the “Motor Vehicle Businesses” and are identified below):
 - a. Reservoir Auto & Alignment Repair Service, LLC, a domestic limited liability company registered with RI SOS;
 - b. Rivas Auto Sales & Repairs, Inc., a domestic corporation registered with RI SOS;
 - c. All Hooked Towing and Recovery, LLC, a domestic limited liability company registered with RI SOS; and
 - d. One Way Auto, Inc., a corporation organized in Massachusetts.

Division’s Investigation

6. *Subject Property - General.* The Department’s Chief Public Protection Inspector (the “Inspector”) inspected the Property for the Department’s Commercial Licensing Division (“Division”) on the following dates in 2018: April 25, May 2, May 17 and May 23 and made the following observations.
 - a. On all of these inspection dates, the Inspector observed a large quantity of vehicles (approximately two hundred) in various states of disrepair, many of which appeared to have collision damage and parts removed (hereinafter referred to as the “Subject Vehicles”), as well as numerous vehicle parts such as bumpers, engines, hoods, transmissions, tires, rims, frames, etc. (the “Vehicle Parts”).
 - b. During the May 2, 2018 inspection, the Inspector also observed a person who appeared to be putting motor vehicle parts from the Property into the trunk of his car and driving off.

7. *“Abby Roads Properties.”* On several occasions during its investigation, the Division made telephone contact with Scott Morris. Morris identified the Motor Vehicle Businesses listed herein and stated that to his knowledge, each of these Motor Vehicle Businesses were storing some number of motor vehicles on the Subject Property which motor vehicles collectively comprise the total number of Subject Vehicles observed by the Inspector.
8. *Rivas Auto Sales & Repairs*
 - a. After several prior attempts, the Division made telephone contact with a representative of Rivas Auto Sales & Repairs, Inc. on May 17, 2018. Mr. Edwin Ramos, communicating through an interpreter on his end of the line, identified himself as the owner of Rivas Auto Sales & Repairs, Inc. and confirmed that he leases a lot on the Subject Premises for storing vehicles.
 - b. Later in the day on May 17, 2018 conducted a follow-up inspection by meeting Mr. Ramos at the Subject Property and again inspected on May 23, 2018. During these follow-up inspections, the addresses associated with Mr. Ramos and Rivas Auto Sales & Repairs, Inc. were identified as 59 and 63 Warren Street and 102 Wilson Street, adjacent lots which collectively held a total of fifty-five (55) cars.
9. *All Hooked Towing*
 - a. After several prior attempts, the Division made telephone contact with a representative of All Hooked Towing and Recovery, LLC on May 17, 2018. Mr. DJ Harris identified himself as the manager of All Hooked Towing and Recovery, LLC, which he confirmed leases a lot on the Subject Premises for storing vehicles. Mr. Harris further stated that All Hooked Towing and Recovery, LLC transports vehicles from “auction” to its lot on the

Subject Property and stores “junk cars” there until such time as they are brought to a salvage yard.

- b. The Inspector identified the addresses associated with Mr. Harris and All Hooked Towing and Recovery, LLC as 72 and 78 Wilson St., which collectively held a total of twelve (12) cars.

10. *50 Warren Street.* 50 Warren Street is a large factory area with many several sections of land and factory buildings. Though several inspectors, the Division was able to ascertain the following information.

a. *Reservoir Auto & Alignment Repair Service*

- i. On or about May 14, 2018, the Division made telephone contact with Carlos Reyes, who identified himself as the owner of Reservoir Auto & Alignment Repair Service. Mr. Reyes confirmed that he rents space at the Subject Property. Mr. Reyes indicated that he purchases vehicles at auction, stores those vehicles at the Subject Property, uses parts from these vehicles to conduct repairs on cars for the business of Reservoir Auto & Alignment Repair Service, and then has the remainder of the vehicles transported to SMM New England Corporation (Sims Metal Management¹). Mr. Reyes’s statements confirmed that a number of the Subject Vehicles are attributable to him and Reservoir Auto & Alignment Repair Service.
- ii. The Inspector conducted a follow-up inspection on May 23, 2018 by meeting Mr. Reyes at the Subject Property. During this follow-up inspection, a total of thirty-

¹ SMM is located at 30 Fields Point Drive, Providence, RI and holds a current Auto Wrecking & Salvage Yard, License No. AS.0002001.

five (35) cars that were determined to be attributable to Mr. Reyes and Reservoir Auto & Alignment Repair Service.

- b. *One Way Auto.* On May 14, 2018, the Division made telephone contact with Will Davis who identified himself as working for One Way Auto. Davis indicated that he purchases vehicles at auction, stores them on the Property, and then transports them to One Way Auto's principal office in Worcester, Massachusetts. Davis's statements confirm that a number of the Subject Vehicles are attributable to him and One Way Auto. Specifically, it appears that One Way Auto had approximately nine (9) vehicles stored inside of the factory building at 50 Warren St.
- c. *Jose Lauriano.* Respondent Lauriano was also identified as another potential tenant for the area of 50 Warren St.

11. *44 Warren St. - Jose Lauriano.* During his inspection on May 23, 2018, the Inspector determined that seventeen (17) vehicles are being stored at 44 Warren St. Respondent Lauriano confirmed that he leases space at the Subject Property in a telephone interview with the Inspector on May 23, 2018.

12. *45 Warren St. and 17 Fuller St.* During the Division investigation, sixteen (16) cars were observed to be stored collectively at the addresses of 45 Warren St. and 17 Fuller St. Upon information and belief, these lots are leased to a John Doe who are known by the name of "Freddie."

13. *212 Harrison St.* During his inspection on May 23, 2018, the Inspector observed fifty-nine (59) vehicles stored on 212 Harrison St. Upon information and belief, these lots are leased to John Doe(s) who are known by the names of "Rafael Hernandez" and "David."

14. Based upon the above described Division investigation, the following portions of the Subject Property were identified as associated with the corresponding listing of Motor Vehicle Businesses.

15. For portions of the Subject Property for which no particular Motor Vehicle Business is listed below, the Division has listed Respondent "Abby Roads Properties" as the responsible property owner and also listed any suspected John Doe parties. For the John Doe parties, the Division has limited information about the suspected name and mailing address of the associated John Doe.

Address	Lot #	Associated Respondent Party
59 Warren St	284	Rivas Auto Sales & Repair
63 Warren St	285	Rivas Auto Sales & Repair
102 Wilson St	291	Rivas Auto Sales & Repair
72 Wilson St	284	All Hooked Towing
78 Wilson St	285	All Hooked Towing
50 Warren St	338	Reservoir Auto Sales & Repair One Way Auto, and Jose Lauriano
44 Warren St	339	Jose Lauriano

45 Warren St	307	Abby Roads Properties and John Doe # 1 ("Freddie")
17 Fuller St	308	Abby Roads Properties and John Doe # 1 ("Freddie")
212 Harrison St	344	Abby Roads Properties Joe Doe #2 (Rafael Hernandez) John Doe #3 ("David")

Auto Wrecking/Salvage Licensing Records

16. According to Department records, there are no Department-issued auto wrecking/salvage licenses or any other type of auto body licenses associated with any of the Subject Properties.
17. According to Department records, there are no Department-issued auto wrecking/salvage licenses or any other type of auto body licenses associated with any of the Respondent Parties.

Auto Wrecking/Salvage Laws

18. Pursuant to R.I. Gen. Laws § 42-14.2-3, “[n]o person shall establish or operate an auto wrecking yard or auto salvage yard without a license therefor.”
19. Pursuant to R.I. Gen. Laws § 42-14.2-1(b) “Auto wrecking yard” or “auto salvage yard,” “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.”
20. The Department has authority pursuant to § 42-14.2-20 to issue an order to the Respondents to cease and desist from dismantling, destructing and storing junk vehicles on the Property.

Division’s Prayer for Relief

The Division of Commercial Licensing of the Department hereby requests that the Hearing Officer issue a recommended order to cease and desist from operating an auto wrecking and salvage yard on the Property pursuant to R.I. Gen. Laws § 42-14.2-20, specifically that Respondents be ordered by a date certain (as determined by the Hearing Officer) to remove all auto wrecking and salvage operation materials from the Property, including motor vehicles, motor vehicle parts, tires, metals, storage containers, liquids, solids, sludge, hazardous substances and other related materials (“Auto Salvage Materials”).


ACCORDINGLY, IT IS HEREBY ORDERED that the Respondents shall appear before a Hearing Officer to show cause why the Director or his designee should not issue an order to cease and desist auto wrecking and salvage yard operations.

In accordance with the Department’s *Rules of Procedures for Administrative Hearings* 230-RICR-100-00-2 (the “Rules”), Section 2.6, a **Pre-Hearing Conference** shall be held on **June 22, 2018 at 1:30** at the Department’s offices located at **1511 Pontiac Avenue, Bldg. 68**, Cranston, Rhode Island 02920.

Pursuant to R.I. Gen. Laws § 42-6-8, the Director hereby appoints Catherine Warren, Esq., as Hearing Officer for the purpose of conducting the hearing and rendering a recommended decision in this matter.

The proceedings shall be conducted in conformity with the APA and the Rules. Section 2.5 of the Rules provides that it shall be the Respondent’s sole responsibility to present the Respondent’s defense to the Hearing Officer. Pursuant to Section 2.7 of the Rules, the Respondent may be represented by legal counsel admitted in the State of Rhode Island. Individuals, and partners of partnerships, may appear *pro se* if they choose. However, corporations may not appear *pro se*. If the Respondent fails to appear at the Pre-Hearing Conference, and has not otherwise

notified the Department of the Respondent's inability to attend, the Hearing Officer may enter a default judgment against the Respondent pursuant to Section 2.21 of the Rules.



Elizabeth Tanner
Director

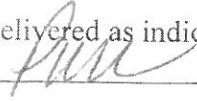
DATED: 10/1/18

NOTE

All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email DBR.dirofficeinq@dbr.ri.gov at least three (3) business days prior to the hearing.

If you have any questions regarding the subject matter of the hearing, please contact the prosecuting attorney, Jenna Giguere, Esq., at (401) 462-9593 or jenna.giguere@dbr.ri.gov and reference the case name and number.

DELIVERY CERTIFICATION

I hereby certify that a copy of this Order was delivered as indicated below on June 1, 2018 (Date),  (Signature).

I. By first class mail to:

Scott Morris
d/b/a "Abby Road Properties"
P.O. Box 328
Chepachet, RI 02814

Attorney Artin Coloian
127 Dorrance Street
Providence, RI 02903

Reservoir Auto & Alignment Repair Service, LLC
50 Warren St.
Providence, RI 02907

Reservoir Auto & Alignment Repair Service, LLC
60 Reservoir Avenue
Providence, RI 02903

Charles W. Normand, Esq.
Resident Agent for Reservoir Auto & Alignment Repair Service, LLC
Hinckley, Allen & Snyder LLP
50 Kennedy Plaza
Suite 1500
Providence, RI 02903

One Way Auto, Inc.
50 Warren St.
Providence, RI 02907

Kenyatta E. Murrell
President and Registered Agent for One Way Auto, Inc.
81 Glendale Ave
Brockton, MA 02301

Edwin R. Ramos
Registered Agent and President, Rivas Auto Sales & Repairs, Inc.
11 Roger Williams Avenue
Providence, RI 02907

Edwin R. Ramos
Registered Agent and President, Rivas Auto Sales & Repairs, Inc.
63 Rounds St.
Providence, RI 02907

Nicole Myers
Resident Agent for All Hooked Towing and Recovery, LLC
63 Dexter Rd.
East Providence, RI 02914

Jose Lauriano
50 Warren St.
Providence, RI 02907

"Freddie" or other Current Tenant
45 Warren St.
Providence, RI 02907

"Freddie" or other Current Tenant
17 Fuller St.
Providence, RI 02907

Rafael Hernandez
212 Harrison St.
Providence, RI 02907

"David" or other Current Tenant
212 Harrison St.
Providence, RI 02907

2. By e-mail to Catherine Warren, Esq. Hearing Officer (catherine.warren@doa.ri.gov)
3. By e-mail to the following parties at the Department of Business Regulation: Jenna Giguere, Esq. (jenna.giguere@dbr.ri.gov), Donna Costantino (donna.costantino@dbr.ri.gov), and John Mancone (john.mancone@dbr.ri.gov).

Exhibit B

①

212 Harrison
RAFAEL HERNANDEZ
& DAVID
59 CARS

②

UNKNOWN
12 CARS

JOSE LAURIANO

RIVAS
58 CARS

⑥

③

UNKNOWN
35 CARS

50 Warren

RESERVED
AUTO SALE

ONE
WARR
9 CARS
INSIDE

W. Davis Property

④

UNKNOWN
17 CARS
JOSE LAURIANO

⑤

"FREDDY"
16 CARS

ALL HOOKED
TOW
12 CARS

24
98



SERVICE CERTIFICATION

I, *P. Waller*, hereby certify that on this 15 day of August this Consent Order was processed for delivery as follows:

By regular mail to:

Wilbur Davis
144 Parade Street
Providence, RI 02907

Wilbur Davis
9 Regent Avenue
Providence, RI 02909

By e-mail to: jenna.giguere@dbr.ri.gov; Donna.Costantino@dbr.ri.gov;
John.mancone@dbr.ri.gov

Paw

Signature