

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

IN THE MATTER OF:

Peter Wilson d/b/a "Price Auto Sales,"

Respondent.

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DBR No.: 19AS002

PERMANENT CEASE AND DESIST ORDER

On June 25, 2019, the Department of Business Regulation ("Department") issued an Order to Show Cause Why Cease and Desist Order Should Not Issue, Notice of Prehearing Conference and Appointment of Hearing Officer ("Order to Show Cause") to Peter Wilson d/b/a "Price Auto Sales" ("Respondent"). A prehearing conference was held on July 15, 2019 in relation to the property ("Property") at 184 Danielson Pike, Foster, R.I. at which time the Respondent agreed to the entry of a temporary cease and desist order from engaging in any unlicensed auto wrecking or salvage activities. The undersigned issued said order on July 31, 2019.

A further hearing was scheduled for October 24, 2019 at which time the Respondent did not appear. Pursuant to § 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. A notice of the hearing signed by the undersigned and dated September 11, 2019 was sent

by the Department to the Respondent by first class mail.¹ Since the Respondent was adequately noticed of hearing, a hearing was held on October 24, 2019. Additionally, § 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.*

At the October 24, 2019 hearing, John Mancone (“Mancone”), Chief Public Protection Officer, testified on behalf of the Department. He testified that the Property has two (2) businesses in the building on the Property that contains the Respondent and a different business, Cooke Bros. See Department’s Exhibit One (1) (aerial view of the Property with the Respondent’s part of the building marked). He testified that the owner of Price Auto Sales is Peter Wilson (“Wilson”). He testified that the Property is owned by a company of which Wilson is co-owner. He testified that Wilson runs a mechanical repair shop and also brings in cars to be scrapped and taken apart.

Mancone testified that he inspected the Property on November 28, 2018. He testified that the Property had a sign for Price Auto Sales. He testified there were various dismantled vehicles on the Property as well as a tow truck and various vehicle parts such as transmissions, bumpers, steering wheels, air bags, hoods, doors, and tires. See Department’s Exhibit Three (3) (photographs of Property and vehicles and parts). He testified that he spoke to Wilson who said his son did some scrapping and that some of the

¹ The notice of hearing of the October 24, 2019 date was sent to the address used for the Respondent for the Order to Show Cause. See Department’s Exhibit Two (2) (secretary of state’s office records indicating the Respondent’s address as the one used for the notice of hearing). The notice of hearing was not returned to the Department as being unable to be delivered. In addition, John Mancone, Chief Public Protection Officer, testified on behalf of the Department that prior to the hearing he left a telephone message for the Respondent at two (2) different telephone numbers that he had on record as Respondent’s telephone numbers. He also testified that he left a message as well at the Respondent’s son’s telephone number that he had on record.

vehicles were customers and some were his and for the other vehicles, he did not fully explain their ownership.

Mancone testified he returned to the Property in June, 2019 and took photographs from the street. He testified that there was no ongoing dismantling of cars, but there were a number of unregistered cars without Rhode Island license plates on the Property. See Department's Exhibit Four (4) (photographs of Property and vehicles). Mancone testified that he returned to the Property on October 17, 2019 and the Price Auto Sales sign was missing and in its place was a Cooke Bros' sign. He testified there were approximately 20-24 unregistered cars and an unregistered tow truck on the Property. See Department's Exhibit Five (5) (photographs of Property and vehicles).

Mancone testified that the Respondent does not have and never applied for any local licenses from the Town of Foster. He testified that the Respondent does not have a State salvage license from the Department.

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 § 2.21 of the Rules, the Respondent is declared to be in default for failing to appear at the hearing.

2. Pursuant to § 2.21 of the Rules, the allegations in the Order to Show Cause are found to be true. The allegations in the Order to Show Cause are hereby incorporated by reference into this order as findings of facts.

Based on the undisputed evidence at hearing including the testimony 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 § 42-14.2-20,² the Respondent is hereby ordered to cease and desist from engaging and acting as an auto wrecking yard or salvage yard. The


² R.I. Gen. Laws § 42-14.2-20 provides in part as follows:

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.


Respondent shall remove any of his remaining unregistered vehicles and any other salvage vehicles or parts within 31 days from the execution of this decision.

Entered this 7th day of November, 2019.


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: 11/8/19


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 8th day of November, 2019, 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. Peter Wilson, 184 Danielson Pike, Foster, R.I. and by electronic mail to Amy Stewart, Esquire, and Samuel Kovach-Orr, Esquire, and Donna Costantino, Associate Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, R.I.

