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

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IN THE MATTER OF:	:	
Cesar Montes d/b/a Grand Ave. Garage,	:	DBR
RESPONDENT.	:	
	_ <b>:</b>	

## **CEASE AND DESIST FINAL ORDER**

This matter came for a prehearing conference on June 30, 2009 pursuant to an Order to Show Cause Why Order to Cease and Desist Should Not Issue, Notice of Hearing, and Appointment of Hearing Officer ("Order to Show Cause") issued to Cesar Montes d/b/a Grand Ave. Garage ("Respondent") June 30, 2009. The Respondent did not appear on June 30, 2009 and failed to contact the undersigned or Departmental counsel. The Respondent received notice of the hearing by certified mail.

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

- 1. Pursuant to Section 21 of the Central Management Regulation 2 Rules of Procedure in Administrative Hearings, Respondent is declared to be in default for failing to appear at the hearing.
- 2. Pursuant to Section 21 of the Central Management Regulation 2 Rules of Procedure in Administrative Hearings, the allegations in the Order to Show Cause are found to be true.

Respondent operates an automobile body repair shop without a license at 3. 241 Grotto Avenue, Pawtucket, RI in violation of R.I. Gen. Laws § 5-38-1 et seq.

Based on the forgoing, the undersigned makes the following conclusions of law:

Respondent violated R.I. Gen. Laws § 5-38-1 et seq. by operating an 1. unlicensed automobile body repair shop.

of the forgoing, the undersigned makes the following On the basis recommendations:

Pursuant to R.I. Gen. Laws § 5-38-19, a cease and desist order is issued against Respondent so that Respondent is ordered not to engage in any unlicensed automobile body repair and is ordered not to violate R.I. Gen. Laws § 5-38-1 et seq.

Entered this Glay of October, 2009.

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 recommendation of the hearing officer in the above entitled Final Order.

A. Michael Marques

Director

Entered as Administrative Order No. 09- $\frac{225}{2}$  on this  $\frac{13}{2}$ day of October, 2009.

## NOTICE OF APPELLATE RIGHTS

THIS DECISION 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 day of October, 2009 that a copy of the within Order was sent by first class mail, postage prepaid, and certified mail, return receipt requested to Cesar Montes d/b/a Grand Ave. Garage, 115 Johnson Street, Apt. 3, Pawtucket, RI 02880 and by hand-delivery to Neena Sinha Savage, Esquire, Department of Business Regulation, Pastore Complex, 1511 Pontiac Ave., Cranston, RI and Maria D'Alessandro, Associate Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Ave, Cranston, RI, and Kim Precious, Implementation Aide, Department of Business Regulation, Pastore Complex, 1511 Pontiac Ave, Cranston, RI.

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