

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

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**IN THE MATTER OF:**

**DAVID GREAVES, JR d/b/a  
PHILLIP MAXWELL AUTO REPAIR LLC,**

**DBR No. 19AB002**

**RESPONDENTS.**

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**CONSENT AGREEMENT**

The Rhode Island Department of Business Regulation ("Department") enters into this Consent Agreement ("Agreement") with Respondent David Greaves, Jr. ("Respondent") to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondent that:

1. Respondent is the owner of the business operating as Phillip Maxwell Auto Repair, LLC, & Auto Body Associates Auto Rental, which is registered as a corporation with the Rhode Island Secretary of State as " Phillip Maxwell Auto Rental, LLC." ("Phillip Maxwell Auto Repair")
2. Phillip Maxwell Auto Repair is located at 31 Humbert Street, North Providence, RI 02911 (the "Premises").
3. Neither Respondent nor Phillip Maxwell Auto Repair ever applied for, nor did the Department ever issue, a Motor Vehicle Body License ("License") under 230-RICR-30- 05-2, *Motor Vehicle Body and Salvage Vehicle Repair* ("Regulations").

4. On or about January 4, 2019 the Department received a complaint ("Complaint") indicating that Phillip Maxwell Auto Repair was possibly operating as an auto body repair shop without a License.
5. On February 26, 2019 the Division's Public Protection Inspector (the "Inspector") investigated the Complaint and observed that Phillip Maxwell Auto Repair had affixed a sign to the building indicating auto body work performed, five (5) vehicles in various stages of auto body repair, vehicles partially disassembled, body and door panels on equipment designed to hold and repair them and a frame machine. The Inspector noted that there was no spray booth present at the business address.
6. On April 8, 2019, the Department issued an Order to Show Cause Why Order Should Not Issue to Cease and Desist Unlicensed Activities, Notice of Intent to Impose Administrative Penalties, Notice of Hearing and Appointment of Hearing Officer.
7. A pre-hearing conference was conducted on April 26, 2019 which was attended by Respondent and the Department. As a result of the pre-hearing conference, Respondent admitted to performing motor vehicle body work for approximately three (3) to four (4) months prior to the February 26, 2019 Department inspection. Respondent stated that all auto body work has ceased since the visit from the Inspector and stated he will continue to refrain from any auto body work until Respondent has obtained a License from the Department. Additionally, Respondent presented pictures demonstrating that the business sign referencing "auto body" has been removed from the Premises, as well as the frame machine.
8. R.I. Gen. Laws § 5-38-4(b) provides: "No person, firm, or corporation shall engage within this state in the business of auto body repairing or painting or enter into contracts for the repairing, replacing, or painting of auto bodies or parts of auto bodies or advertise or represent in any form or manner that he, she, or it is an auto body shop unless that person, firm, or corporation possesses a license in full force and effect from the department of business regulation specifying that person, firm, or corporation as licensed to operate or conduct an auto body shop."

9. Pursuant to the Regulations §2.3(A)(15), " 'Motor Vehicle Body Work' or 'Business of Motor Vehicle Body Work' means the act or acts of preparing, fixing, restoring, painting or putting together a Motor Vehicle Body, including repairing, replacing or installing of glass thereon, or the subcontracting of said work."
10. In order to resolve this matter amicably and avoid the time and costs of an administrative hearing, Department and Respondent hereby agree to the following:
  - a. Respondent agrees that the facts contained in paragraphs five and seven are true and accurate, and that Respondent therefore operated an unlicensed auto body shop in violation of R.I. Gen. Laws § 5-38-4(b), § 5-38-1 and Regulations § 2.3(A)(15).
  - b. No later than the end of business on the day that this Consent Agreement is signed by the Respondent, Respondent shall pay an administrative penalty of five-hundred dollars (\$500.00), payable to the "General Treasurer, State of Rhode Island."
  - c. Respondent will continue to cease any and all motor vehicle body repair work at Phillip Maxwell Auto Repair until Respondent obtains a License from the Department.
  - d. Respondent will continue to cease advertising Phillip Maxwell Auto Repair as an auto body repair business in all media, print, signage and internet until a License has been granted. This includes not holding Phillip Maxwell Auto Repair as engaging in the auto body repair business unless duly qualified with an auto collision repair license.
11. By agreeing to resolve this matter through the execution of this Consent Agreement, 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.*
12. If Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein or as extended by agreement of the parties, Respondent will be in violation hereunder and the Department shall be entitled to immediately to take

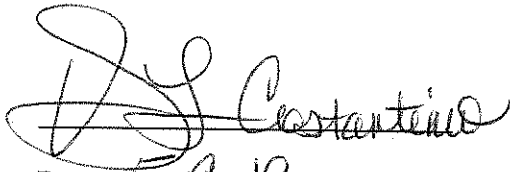
enforcement or other action in accordance with applicable law.

13. Compliance with the terms of this Consent Agreement does not relieve Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

14. This Consent Agreement shall be deemed entered as of the date of execution by all parties.

This Consent Agreement shall be binding upon Respondent's successors.

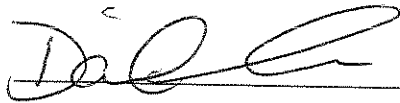
**For the Division:**



Date: 5-9-19

Donna L. Costantino, MBA Associate  
Director  
Commercial Licensing & Regulation

**For the Respondent:**



Date: 5-9-19

Respondent