

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: :
: :
REGO'S AUTO BODY, INC., :
: :
RESPONDENT. :

:

DBR No. 17-SUB-004

CONSENT AGREEMENT

The Commercial Licensing Division ("Division") of the Rhode Island Department of Business Regulation ("Department") enters into this consent agreement ("Agreement") with Rego's Auto Body, Inc. ("Respondent") to resolve the above-captioned matter pursuant to its authority under R.I. General Laws § 42-35-9(d).

1. Since April 2017, the Department has received two Submissions from the same Insurance Company, each of which alleged that Respondent refused to allow the Insurance Company's motor vehicle damage appraiser access to a vehicle to conduct a vehicle appraisal inspection. The first Submission involved Agent A and the second Submission involved Agent B.
2. After receiving each Submission, the Department notified Respondent and requested a response.
3. In both of its responses, Respondent stated that there was a prior business practice between this Insurance Company and Respondent in which Agent A and Agent B would not be sent to Respondent's shop as a result of alleged past unprofessional conduct by Agent A and Agent B. Respondent claims that Insurance Company agreed to send out other agents to Respondent's shop.

Respondent explains that this business agreement was the reason that when Agent A and Agent B arrived at Respondent's shop on these two occasions they were refused access to the vehicles.

4. Section 4.6 of the Department's Regulation 230-RICR-30-05-4 ("Auto Body Regulation 4") Automobile Body Shop On-Site Inspection Standards states: "An automobile body repair shop shall allow an Insurance Representative the opportunity to appraise/inspect the damaged vehicle."

5. Section 4.8 of Auto Body Regulation 4 sets forth the requirements for Appointments by insurance representatives:

A. Insurance Representatives shall be allowed to inspect any vehicle for photographs and vehicle identification number checks; an automobile body repair shop must permit such access within four (4) hours of such request.

B. Insurance Representatives must be allowed with or without appointment, to make an appraisal inspection of any vehicle as soon as practically possible, but in any event, not more than three (3) days following the insurance representative's written or oral request to inspect.

C. Given that Insurance Representatives are expected to contact the automobile body repair shop in advance to establish an opportunity for an appraisal inspection visit pursuant to Part 20-50-3 of this Title, automobile body repair shops shall accommodate such requests as soon as practical, with the motor vehicle damage appraisal to occur no later than three (3) business days from the date of the request. The automobile body repair shop shall not unduly delay the Insurance Representative when the Insurance Representative arrives for the appointment. This section shall apply to an inspection by an expert designated by an insurance company and expressly approved by a vehicle owner or their legal representative.

D. Automobile Body Repair Shops are only required to produce invoices and receipts of repair work upon a request for reinspection pursuant to R.I. Gen. Laws § 27-10.1-9 not an inspection request to assess supplemental damage.

6. The Department's position is that Respondent violated Auto Body Regulation 4 on two occasions when Respondent did not allow the insurance representative access to the vehicle to conduct appraisal/inspection within three (3) business days from the date of the Insurance Company's request. Notably, there are no exceptions to this three-day requirement in Auto Body Regulation 4.

7. While Respondent neither admits nor denies committing the violations alleged herein, in order to effect a timely and amicable resolution of this matter without an administrative hearing, Respondent agrees to pay an administrative penalty of two hundred dollars (\$200.00) payable to the "General Treasurer, State of Rhode Island" within ten (10) days of this Consent Agreement being executed by all parties.

8. By agreeing to enter into this Consent Agreement, Respondent voluntarily waives his right to the hearing or appeal to the Rhode Island Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, et seq.

9. If Respondent fails to abide by the requirements of this Consent Agreement, the Department will initiate further administrative proceedings against Respondent.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:

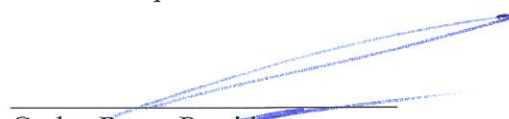
For the Department:



Donna L. Costantino
Associate Director
Division of Commercial Licensing & Regulation

Date: 10/10/17

For the Respondent:



Carlos Rego, President
Rego's Auto Body, Inc.

Date: 10-4-17



James V. Burchfield, Jr., Esq.
Counsel for Respondent

Date: 10-4-17

CERTIFICATION

I hereby certify on this 11 day of September 2017, that a copy of the within Consent Agreement was sent by first class mail to:

James V. Burchfield, Jr., Esq.
D'Amico · Burchfield, LLP
536 Atwells Avenue
Providence, RI 02909

AND BY E-MAIL TO:

1. James V. Burchfield, Jr., Esq. jvb@dblawnri.com
2. Maria D'Alessandro, Esq., DBR Deputy Director, Securities, Commercial Licensing, Gaming & Athletics
3. Donna Costantino, DBR Associate Director, Commercial Licensing & Regulations
4. John Mancone, DBR Chief Public Protection Inspector
5. Kim Precious, DBR Implementation Aide
6. Amy C. Stewart, Esq., DBR Senior Legal Counsel