

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE CENTER, BLDG. 68-69  
1511 PONTIAC AVENUE  
CRANSTON, RHODE ISLAND 02920**

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<b>IN THE MATTER OF:</b>	:	
	:	
<b>JOE'S TOWING, INC. d/b/a</b>	:	<b>DBR No. 11-L-0002</b>
<b>RI AUTO BODY,</b>	:	<b>12-AB-048</b>
	:	
<b>RESPONDENT.</b>	:	

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**AMENDED DECISION ON MOTION TO ADJUDGE IN CONTEMPT**

Hearing Officer: Ellen R. Balasco, Esq.

Hearing Held: June 20, 2012

Appearances: For the Respondent: Marvin Nadiger, *pro se*  
For the Department: Neena Sinha Savage, Esq.

This matter came on for a hearing pursuant to the Department of Business Regulation's ("Department") Motion to Adjudge in Contempt and to Seek additional Administrative Sanctions filed on May 21, 2012. The basis of the Motion was the failure of the Respondent to comply with the orders imposed by the Department in its Decision issued on January 18, 2012, as set forth in the attached Motion which is incorporated herein by reference.

After consideration of the matters presented on the date of hearing, the undersigned Hearing Officer has concluded, and finds as a fact that the Respondent is in technical contempt of the Orders issued in the Department's prior Decision dated January 18, 2012.

Accordingly, the Hearing Officer hereby recommends that the following Order be issued by the Director of the Department:


The Respondent may purge the Hearing Officer's finding of contempt in this matter by complying with the following conditions:

1. On or before July 21, 2012, the Respondent shall pay the previously assessed administrative penalty in the amount of FOUR HUNDRED DOLLARS (\$400.00), payable to the State of Rhode Island General Treasurer; and
2. On or before July 21, 2012, the Respondent shall surrender its automobile body repair license to the Department, which shall thereupon be suspended for a period of seven (7) business days.
3. Upon completion of the requirements set forth in paragraphs 1 and 2 above, the Respondent's license shall be reissued and remain valid on the condition that the Respondent complies with all relevant Rhode Island laws and regulations, and that the receipt of any and all consumer complaints regarding automobile body repair shall be immediately reported to the Department.

If the Respondent fails to comply with the requirements set forth in paragraphs 1 and 2 above by the date specified, the Respondent's license shall be revoked, effective on July 21, 2012. No further administrative action by the Department is required for said revocation to occur.

By failing to have filed a timely appeal of the Department's prior Decision, and by virtue of the finding of contempt contained herein, the Respondent has waived its rights to appeal the findings and Decision of the Hearing Officer in this matter.

Dated this 28<sup>th</sup> day of June, 2012.

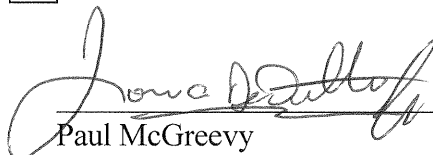
  
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Ellen R. Balasco, Esq.  
Hearing Officer

**ORDER**

I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

- ADOPT
- REJECT
- MODIFY

Dated: 6/28/2012

  
Paul McGreevy  
Director

(Louis DeQuattro For)

**CERTIFICATION**

I hereby certify on this 28th day of June, 2012, that a copy of the within Amended Decision and Order was sent by first class mail, postage prepaid to: Marvin J. Nadiger, Respondent, at Joe's Towing d/b/a RI Auto Body, 455 Warwick Avenue, Warwick, RI 02888, and by electronic mail to the following parties at the Department of Business Regulation: Neena Sinha Savage, Esq., Maria D'Alessandro, Deputy Director – Division of Commercial Licensing, Public Protection Inspector and Kim Precious, Implementation Aide.

