

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

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<b>IN THE MATTER OF:</b>	:	
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<b>Bob and Sons Trucking,</b>	:	<b>DBR No.: 15AS001</b>
	:	
<b>RESPONDENT.</b>	:	
	:	

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**CEASE AND DESIST ORDER**

The above-entitled matter came for hearing on June 23, 2015 pursuant to the Department of Business Regulation’s (“Department”) Order To Show Cause Why Cease and Desist Order Should Not Issue, Notice of Hearing and Appointment of Hearing Officer (“Order to Show Cause”) issued by the Department on June 3, 2015 to Bob and Sons Trucking (“Respondent”). The Respondent did not appear on June 23, 2015 at the pre-hearing conference. Since the Respondent was adequately noticed of hearing,<sup>1</sup> a hearing was held before the undersigned on June 23, 2015.<sup>2</sup> At hearing, the Department’s counsel requested that the undersigned make findings of facts on the basis of the Order to Show Cause and enter a default judgment against Respondent. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.*

The following exhibits were entered at the pre-hearing conference:

1. The Order to Show Cause issued to the Respondent. See Department’s Exhibit One (1). The Order to Show Cause stated the following: 1) Respondent is operating a salvage yard; 2) a Department inspection at the Respondent’s location found 12 unregistered vehicles in

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<sup>1</sup> Pursuant to a delegation of authority by the Director of the Department of Business Regulation.

<sup>2</sup> The Order to Show Cause was sent by first class and certified mail. The United States Post Office notified the Respondent of the certified mail. Neither the certified or first class mail was returned to the Department. See Department’s Exhibit One (1) (Order to Show Cause and print out of United States Post Office tracking of the certified mail delivery).

the state of disrepair, various car parts, and an employee apparently dismantling a catalytic converter from a vehicle; 3) the Respondent's website indicates that it is an auto salvage company specializing in junk car towing and auto recycling and that they have used auto parts and are a family owned auto wrecker company offering used auto parts and junk car towing; and 4) the Respondent does not hold an auto wrecking or salvage license issued pursuant to R.I. Gen. Laws § 42-14.2-1 *et seq.*

2. A print-out from the Respondent's website which states that the Respondent specializes in junk car towing and auto recycling and has used auto parts for sale. See Department's Exhibit Two (2)

3. The Department's investigator's inspection report dated May 5, 2015. See Department's Exhibit Three (3). Said report indicated that the Department's investigator went to the Respondent's location and observed 12 unregistered vehicles, various vehicle parts, and active vehicle dismantling. The report contained photographs taken at the Respondent's location showing various dismantled and junked vehicles as well as the Respondent's own tow trucks.

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 Section 21 of the *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*, the Respondent is declared to be in default for failing to appear at the pre-hearing conference.

2. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*, the allegations in the Order to Show Cause are found to be true and the exhibits entered at hearing 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 evidence and the Order to Show Cause and the forgoing, 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 forgoing, the undersigned makes the following recommendation:

Pursuant to R.I. Gen. Laws § 42-14.2-20,<sup>3</sup> the Respondent is hereby ordered to cease and desist from engaging and acting as an auto wrecking yard or salvage yard. More specifically, the Respondent is ordered to cease dismantling vehicles. Finally, the Respondent shall remove all unregistered vehicles within 21 days from the execution of this decision.


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<sup>3</sup> R.I. Gen. Laws §42-14.2-20 provides in part as follows:

§ 42-14.2-20 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.

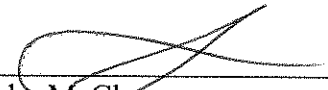
(b) An order to show cause may be served on any person, firm, corporation, or association named therein by any person in the same manner that a summons in a civil action may be served, or by mailing a copy of the order to the person at any address at which he or she has done business or at which he or 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.

Entered this 15<sup>th</sup> day of July, 2015.

  
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: 7/16/15

  
Macky McCleary  
Director

Entered as Administrative Order No. 1531 on the 17<sup>th</sup> day of July, 2015.

**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 17<sup>th</sup> day of July, 2015, that a copy of the within Order to Show Cause was sent by first class mail, postage prepaid, and also by certified mail, return receipt requested to Bob and Sons Trucking, 22 Buck Hill Road, Johnston, RI and by electronic mail to Jenna Algee, Esquire, and Maria D'Alessandro, Deputy Director, and John Mancone, Inspector, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI.

