

**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**

IN THE MATTER OF:

**JAMIE TURMEL AND
EAST COAST AUTO SALES, INC.
d/b/a COURTESY COLLISION CENTER,
*RESPONDENTS.***

DBR No. 13AB118

DECISION AND ORDER TO CEASE AND DESIST

Hearing Officer: Ellen R. Balasco, Esq.

Hearing Held: October 24, 2013

Appearances:

For the Department of Business Regulation: Jenna Algee, Esq.

For Respondents: No appearance by Respondent or counsel.

I. INTRODUCTION

This matter came on for hearing on October 24, 2013, pursuant to an Order to Show Cause, Notice of Hearing, and Appointment of Hearing Officer issued October 7, 2013, in the above-referenced matter. No party appeared on behalf of the Respondent, after notice was duly served upon the appropriate parties, in accordance with the provisions of Section 9 of Central Management Regulation 2 – *Rules of Procedure for Administrative Hearings*, and R.I. Gen. Laws § 42-35-9.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant R.I. Gen. Laws § 7-11-1 *et seq.*, R. I. Gen. Laws § 42-14-1, *et seq.*, and R.I. Gen. Laws § 42-35-1, *et seq.*

III. FINDINGS OF FACT

The Order to Show Cause, Notice of Hearing and Appointment of Hearing Officer was duly and properly served upon the appropriate parties for the Respondent, the responsible party for the Respondent has failed to answer or appear before the Department. Counsel for the Department presented significant documentary and sworn testimonial evidence to enable the Hearing Officer to make the following findings of fact at the hearing.

1. Respondent previously held a full collision automobile body repair license, first issued by the Department in 2011, which expired on December 13, 2012.
2. Respondent's current owner filed an incomplete and insufficient license renewal application on or about July 18, 2013, over six (6) months past the deadline. The Renewal Application was substantially incomplete in that it was not accompanied by a certificate of insurance, evidence of fire safety, criminal history records and technician certifications.
3. Based on the foregoing, the Renewal Application filed by the Respondents was not "timely" or "sufficient" as required by R.I. Gen. Laws § 42-35-14(b).
4. The Respondents were notified by electronic mail first in July of 2013 and again in August of 2013 that the Renewal Application was deficient, and what was needed to correct those deficiencies.
5. Respondents failed to respond to the Department's notifications, and failed to correct the deficiencies as of the date of hearing.
6. The Order to Show Cause, Notice of Hearing and Appointment of Hearing Officer was delivered to the Respondent's business address at 262 Broadway, Pawtucket, Rhode Island on October 8, 2013 at 10:41 am, as evidenced by the USPS Tracking form submitted by the Department at hearing. This constituted sufficient notice and met the requirements imposed by both Section 9 of Central Management Regulation 2 – *Rules of Procedure for Administrative Hearings*, and in R.I. Gen. Laws § 42-35-9.
7. The Respondent failed to personally appear, or have counsel appear on their behalf at the scheduled hearing.

IV. CONCLUSIONS OF LAW

1. A default judgment against Respondent business is appropriate given the failure of its owner to appear and/or defend this action in accordance with Section 21 of *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*.

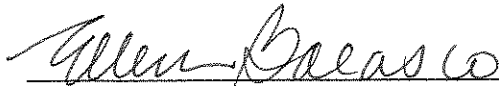
2. The issuance of a cease and desist order against the Respondent is appropriate and necessary, based upon the finding that it is being operated as an automobile body repair shop without having been issued a valid license, in accordance with the provisions of R.I. Gen. Laws § 5-38-19(b).

VI. RECOMMENDATION

Based on the above analysis, the Hearing Officer recommends that the Director of the Department order that:

1. Respondent is defaulted for failure to appear and/or defend this administrative enforcement action;
2. The license renewal application filed on July 18, 2013 by the Respondents is denied;
3. Respondents Jamie Turmel, East Coast Auto Sales, Inc. and Courtesy Collision Center, each individually and as business entities, are ordered to permanently cease and desist from conducting an automobile body repair business without first obtaining from the Department a valid license to do so.

Date: 12/16/13



Ellen R. Balasco, Esq.
Hearing Officer

ORDER

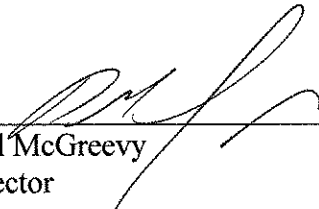
I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT

REJECT

MODIFY

Dated: 17 Dec 2013



Paul McGreevy
Director

ENTERED as Administrative Order No. 13-066 on the 17th day of December, 2013

CERTIFICATION

I hereby certify that, on the 17th day of December, 2013, a true copy of this Order was sent by first class mail, postage prepaid, to: Jamie Turmel and East Coast Auto Sales, Inc, d/b/a Courtesy Collision Center at 262 Broadway, Pawtucket, Rhode Island and by electronic mail to Maria D'Alessandro, Deputy Director, Kimberly Precious, Implementation Aide and Jenna Algee, Esq. at the Department of Business Regulation.

