

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
233 RICHMOND STREET
PROVIDENCE, RHODE ISLAND 02903

IN THE MATTER OF:

MURRAY'S AUTO BODY,

RESPONDENT.

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DBR No. 07-L-0145

RECOMMENDATION FOR DEFAULT JUDGMENT

The above-captioned matter came on to be heard for a status conference on September 4, 2008 pursuant to a Scheduling Order, dated August 7, 2008. Respondent or a representative of Respondent failed to appear for the status conference. Respondent also failed to appear at a status conference on January 15, 2008 pursuant to an Order Appointing Substitute Hearing Officer and Providing Notice of Status Conference dated November 20, 2007.

At the January 15, 2008 status conference, the Department provided evidence that Respondent failed to provide a certificate of insurance as required by Section 4(D) of *Commercial Licensing Regulation 4 – Motor Vehicle Body Repair*. The Department also established that Respondent had been given proper notice in accordance with R.I. Gen. Laws § 42-35-1, *et seq.* The Department moved for a default judgment at that time. The Director granted the Department's motion on February 11, 2008.

During the evening of January 15, 2008, the undersigned received an e-mail from Respondent asking for reconsideration of the default motion. Because the undersigned already recommended that the Department's motion for a default judgment be granted, the e-mail was treated as a motion for reconsideration and heard on February 21, 2008. In an order dated February

22, 2008, the Director vacated the order granting the Department's motion for default judgment to allow Respondent an opportunity to explore the option of converting the premises to a daycare facility. The Director kept in place the temporary order to cease and desist all licensed auto body.

The undersigned recommends that the Department's motion for default judgment be granted in light of Respondent's failure to appear at the September 4, 2008 status conference. A default judgment will have the effect of denying Respondent's application to renew its auto body shop license for its failure to provide a certificate of insurance as required by Section 4(D) of *Commercial Licensing Regulation 4 – Motor Vehicle Body Repair*.

Recommended by:



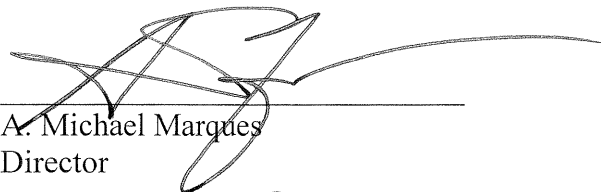
Michael P. Jolin, Esq.
Hearing Officer

Date: 10-28-08

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



A. Michael Marques
Director

Date: 10-28-2008

THIS ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW OF SAID COURT.

CERTIFICATION

I hereby certify on this 28th day of October, 2008, that a copy of the within Order was sent by first class mail, postage prepaid to:

Murray's Auto Body
14 Murray Street
Providence, Rhode Island 02909

Bachar Sa Sa
40 ½ Hopkins Avenue
Johnston, Rhode Island 02919

And by hand-delivery to:

Neena Sinha Savage, Esq.
Department of Business Regulation
1511 Pontiac Avenue, Bldg. 68-1
Cranston, Rhode Island 02920

Kimberly Precious
Auto Body & Salvage Operations
Department of Business Regulation
1511 Pontiac Avenue, Bldg. 69-1
Cranston, Rhode Island 02920

