

**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:

**PAWTUCKET AUTOMOTIVE, INC. D/B/A
PAWTUCKET AUTO BODY,**

RESPONDENT.

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DBR No. 18AB001

CONSENT AGREEMENT

The Rhode Island Department of Business Regulation (“Department”) enters into this Consent Agreement (“Agreement”) with Respondent Pawtucket Automotive, Inc. d/b/a Pawtucket Auto Body (“Respondent”) to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondent that:

1. The Respondent Domenic S. Coccia, Jr. is the sole owner of the business operating as Pawtucket Automotive, Inc. d/b/a Pawtucket Auto Body.
2. Pawtucket Auto Body is located and currently operating as an auto body repair shop at 262 Broadway, Pawtucket, Rhode Island.
3. The Respondent possesses a Class B Auto Body Repair License (“License”), number AB-002002-B, issued on December 18, 2012.
4. On December 12, 2017, the owner of a 2010 Kia Forte submitted a complaint (“Complaint”) to the Division regarding the Respondent’s fictitious repair of and inadequate communication about his vehicle from January 13th to September 19th of 2017, including the Respondent’s post-release retention of the Complainant’s deposit

monies. After receiving the Complaint and conducting its own investigation, the Department sent the Respondent a copy of the Complaint. In Respondent's April 12 and April 17 replies via telephone and in writing (respectively) the Respondent admits to requiring a one-thousand and seven hundred (\$1,700) cash deposit for Complainant's car's repairs, that the deposit was for the purchase of the car's replacement parts, and that the original parts removed for the car's initial assessment were disposed of.

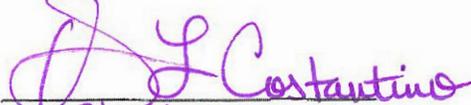
5. On May 7, 2018 the Department issued an Order to Show Cause Why Order Should Not Issue Revoking License, Notice of Intent to Impose Administrative Penalties, Notice of hearing and Appointment of Hearing Officer.
6. A pre-hearing conference was held at the Department on May 28, 2018, where the Parties agreed to further research issues germane to possible resolution of the matter by way of Consent Agreement.
7. Other than the allegations set forth in the instant matter, Respondent has had other disciplinary history as a licensed auto body shop. Respondent's current owner was a former owner of Americar Sales and Collision Center, Inc. (until January 25, 2018 the Registered Office was the same location for each organization), which was the subject of an Order of Revocation in DBR No. 11-L-0072 on May 30, 2012. On September 26, 2012 Respondent Pawtucket Auto Body applied for a new license for the same location, its sole corporate officer being Amy R. Gianardo, its employee for auto body repair being Domenic S. Coccia, Jr., and that same application was granted with conditions memorialized in a Consent Agreement executed on December 7, 2012.

8. It is the Department's position that Respondent's actions with regard to work performed on and representations made about the Complainant's vehicle amount to a violation of R.I. Gen. Laws § 5-38-10(4).
9. However, in order to resolve this matter amicably and avoid the time and costs of an administrative hearing, the Department and Respondent hereby agree to the following:
 - a. No later than the end of business on Monday, September 10, 2018, Respondent shall:
 - i. Pay restitution to the Complainant in the amount of two-thousand and nine hundred dollars (\$2,900.00). This amount represents the portion of the Complainant's deposit that was not returned to him by the Respondent, the loss of the use of the Complainant's vehicle for nine (9) months and the value of the undamaged parts belonging to the Complainant's vehicle that were removed by Respondent and never replaced.
 - b. Respondent shall report all of Respondent's auto body work transactions to the Department every month for a total period of twelve (12) months ("Reporting Period"). The monthly reports shall be submitted directly to the Assistant Director for Commercial Licensing by electronic mail and on an electronic spreadsheet on the first day of each month for the Reporting Period, or the next closest business day following the first if the first falls on a weekend or holiday, and shall provide the following minimum information:
 - i. Customer's name, address and phone number;
 - ii. Year, make and model of the vehicle being repaired and belonging to the Customer in paragraph § 9(b)(i) of this agreement;

- iii. The date the vehicle being repaired in § 9(b)(ii) was received by Respondent, the date(s) any work was done on the vehicle, the date on which Respondent completed the repair work on the vehicle, and the date the Customer in § 9(b)(i) retrieved his/her vehicle from Respondent;
 - iv. The Respondent's initial repair estimate for the vehicle in § 9(b)(ii);
 - v. The Respondent's final repair charges for the vehicle in § 9(b)(ii); and
 - vi. A copy of the Customer's authorization for Respondent's repair of the vehicle listed in §9(b)(ii).
- c. Respondent will be suspended for a period of one week (six business days) from the date of the execution of this agreement, which will include the closure of the Respondent's business on Mondays and Fridays for a period of three (3) weeks beginning October 15, 2018. The Respondent specifically further agrees that in order to verify the closure of the Respondent's business, the Department shall have the authority to enter onto the Respondent's business property at 262 Broadway, Pawtucket, RI 02860 with or without notice and with or without the Respondent's owner's presence.
- d. Respondent will pay an administrative penalty of two-thousand dollars (\$2,000.00) payable to the "General Treasurer, State of Rhode Island" by the close of business on October 15, 2018.
10. By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*

11. If Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein or as extended by agreement of the Parties, Respondent will be in violation hereunder and the Department shall be entitled to immediately to take enforcement or other action in accordance with applicable law.
12. Compliance with the terms of this Consent Agreement does not relieve Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.
13. This Consent Agreement shall be deemed entered into as of the date of execution by all parties. This Consent Agreement shall be binding upon Respondent's successors.

For the Division:


Date: 9/27/18

Donna L. Costantino, MBA
Associate Director
Commercial Licensing and Regulation

For the Respondent:


Date: 9/28/18

Domenic S. Coccia, Jr.
Registered Agent/Owner
Pawtucket Automotive, Inc.