

1

Greg Lucey

From: Jadeane Sica
Sent: Tuesday, February 2, 2021 5:27 PM
To: Greg Lucey
Subject: FW: FW: Brother's Auto

Sent from Mail for Windows 10

From: Fallon, Kathryn
Sent: Tuesday, February 2, 2021 1:58 PM
To: Jadeane Sica
Subject: Re: FW: Brother's Auto

Did you send this to Greg for the Committee?

On Tue, Feb 2, 2021, 1:09 PM Jadeane Sica <jsica@cityofmalden.org> wrote:

Sent from Mail for Windows 10

From: Sargent, Michael (POL)
Sent: Tuesday, February 2, 2021 12:36 PM
To: Jadeane Sica
Subject: Brother's Auto

Sir/Madam,

I am a Trooper assigned to the Salvage Title Section of the Massachusetts State Police. The Section is responsible for conducting the Salvage Title inspections on rebuilt motor vehicles to determine that the vehicle was properly returned to its original function and qualifies for a rebuilt title. Class 2 dealers are required to provide us with evidence that they are an authorized class 2 dealer and qualified to rebuild and sell vehicle.

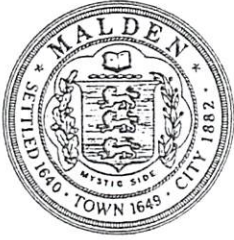
I am contacting you to get written clarification on the actual usage of the zero car Class 2 license, Mr. Lafauci has stated it can be used to buy and sell unlimited used vehicles. It was our understanding that the license was for personal use, designed for a resident of your city to buy and restore a vehicle for themselves. Mr. Lafauci has applied for this license under the assertion that he owns and operates an auto body shop in your city. The address noted on this license is in a residential setting with no visible business at the location. It is also unclear how a non-resident of your city could obtain a license designed for personal use within your city limits. Mr. Lafauci has a Class 2 license in Revere which is currently revoked. Mr. Lafauci claims that he is purchasing and selling vehicles utilizing his Malden license, however during salvage inspections he lists the Revere business and address on the documents. We are seeking clarification from you, the issuing entity, so we can determine the legitimacy of these transactions.

In addition to our licensing concerns with the Salvage Title inspections, we have consumer concerns in mind. We are concerned that consumers may be under the impression that they are purchasing vehicles from a licensed class 2 dealer licensed by your city.

Please provide clarification regarding the legal use of the zero vehicles class 2 license and confirm that the above is a holds a valid class 2 license in your city.

Trooper Michael Sargent #3505
Massachusetts State Police
Special Operations
Motor Vehicle Regulatory Section
Salvage Title Section
25 Newport Ave Ext
Quincy, MA 02171

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City of Malden

Massachusetts



Gregory Lucey, City Clerk
glucey@cityofmalden.org
www.cityofmalden.org

City Clerk's Office
215 Pleasant Street
Malden, Massachusetts 02148

Phone 781-397-7116
Fax 781-388-0610
elections@cityofmalden.org

February 1, 2021

Brothers Auto Body
Mr. Kenneth LaFauci
969 Salem Street
Malden, MA 02148

RE: 2021 Class II Dealer's License Renewal Application
Location: 969 Salem Street, Malden, MA 02148

Dear Mr. LaFauci,

The License Committee will be reviewing the renewal application for the Class II Dealer's License at 969 Salem Street, Malden, MA 02148, at the License Committee Meeting scheduled on Tuesday, February 9, 2021, at 5:30PM, to be held virtually via Zoom. You and your attorney are invited to attend the meeting, and may be asked for additional information pertaining to your application, and other concerns about which the License Committee has been made aware concerning your license, in order for the License Committee to make a determination with regard to renewal.

A copy of the City of Malden Ordinance is attached hereto.

As stated, the meeting will be conducted remotely via Zoom. Please confirm with me via email at glucey@cityofmalden.org that you and your attorney will appear and I will send you and your attorney the link to attend the Zoom meeting.

Sincerely,

Gregory Lucey
Malden City Clerk

mailed 2/1/21

gave to Jim Dave
to handle 2/3/21
at 969 Salem St

6.08.100 USED CAR DEALERS

A. Licensing - Generally:

1. No person, company, corporation or other entity shall offer for sale more than four (4) second hand motor vehicles in a calendar year without obtaining a used car dealer's license from the City Council.
2. Application for a used car dealer's license shall be made on a form approved by the City Council and shall be accompanied by all of the following:
 - a. a certified plot plan, approved and signed by the Building Commissioner and the Fire Department;
 - b. a current CORI report issued by the Commonwealth of Massachusetts for each principal of the dealership;
 - c. license fee for Class I, II, and III dealer licenses of \$200.00;
 - d. inspection fee for Class I, II, and III dealer licenses of \$100.00 (excluding grandfathered licenses issued in accordance with Section E below);
 - e. initial application shall also be accompanied by new applicant fee for Class I, II, and III dealer licenses of \$50.00.
3. Licenses shall expire annually on December 31. Except as provided in Paragraph E, issuance of a license during the previous licensing period shall not create a presumption in favor of the applicant.
4. Notice of denial of an application for a used car dealer's license shall be accompanied by a statement setting forth specific reasons for the denial.
5. Licenses may be issued upon such terms and conditions and with such restrictions as the City Council deems expedient and in the best interests of the health, safety and welfare of the residents of Malden.
6. Used car dealer's licenses may not be sold, conveyed, assigned or transferred without the consent of the City Council.
7. The number of Class II dealer licenses shall be limited to twenty seven (27), excluding licenses allowed in accordance with Section E below.

B. Licensing - Minimum Standards: The City Council may license such applicants as they determine are suitable to conduct a used car sales business in the city. Failure to comply with the provisions of this ordinance, with state consumer protection statutes or with any licensing terms, conditions or restrictions imposed by the City Council shall be prima facie evidence that the applicant is not suitable to conduct said business.

Applicants shall be required, at a minimum, to demonstrate that the following criteria have been met:

1. that the business is conducted at a location that satisfies all applicable requirements of the city's zoning ordinance;
2. that the principal use of the location is automotive sales and that all other uses are supportive of or accessory to automotive sales;
3. that the area controlled by the business is of sufficient size to allow a. storage or display

of no fewer than 15 cars in paved, lined and numbered spaces no smaller than 10'X20', and b. employee and customer parking of no fewer than 3 spaces, provided that one additional employee/customer parking space shall be required for each additional 20 spaces of for storage or display. All spaces shall be clearly lined, numbered and designated in yellow traffic paint as storage/display or employee/customer parking.

4. that the applicant is engaged principally in the business of used car sales.

C. Business Operation - Minimum Standards:

1. Each used car dealer shall keep records as required by Mass. Gen. Laws ch 140 § 62. Said records shall be made available upon request to any police officer, City Councillor, or duly appointed agent of the City Council authorized to enforce ordinances relative to licensing.
2. Each used car dealership shall be maintained in a clean and sanitary manner and shall comply with all applicable health, safety and sanitation codes and standards promulgated by the city's Building, Wire, Plumbing, Health and Fire Inspectors.
3. All parts and materials incidental to the operation of said dealership shall be stored in a designated area and concealed from public view. Waste oil shall be stored in compliance with 527 CMR 906. Disposal of residual parts and materials shall be made in a timely manner and in accordance with applicable federal, state and local regulations.
4. Agents and employees of the city authorized to enforce health, safety and sanitation codes may at any time enter onto the premises of a used car dealer to inspect for compliance with applicable health, safety and sanitation codes, the provisions of this ordinance, and any license restrictions or conditions.
5. Each used car dealer shall display at all times a current used car dealer's license on the premises at which the business is conducted. Said license shall be displayed in the business office, so as to be in clear view of patrons
6. Each used car dealer shall apply for and obtain dealer plates from the Registry of Motor Vehicles within 30 days of obtaining an initial license. Copies of current dealer plate registrations shall be filed with the City Clerk's Office, upon receipt of the original registration and/or registration renewals.

D. Failure to Comply with Ordinance Provisions - Penalties:

1. Violation of any provision of this ordinance or of the terms, conditions or restrictions imposed on a specific licensee may be punished by a fine imposed under the provisions of Mass. Gen. Laws ch 40 § 21D in accordance with the following schedule: 1st offense \$100.00 2nd/subsequent offenses \$200.00
2. Violations of any provision of this ordinance, applicable health, safety and sanitation codes or the specific terms, conditions or restrictions of a license may be cited by any person authorized by the City Council to enforce ordinances relative to licensing or to enforce applicable provisions of health, safety and sanitation codes.
3. Failure to comply with the provisions of this ordinance, with state consumer protection statutes or with any license terms, conditions or restrictions imposed by the City Council may result in suspension, modification or revocation of any license, after three days written notice and hearing by the City Council.

E. Implementation of Ordinance Provisions: This ordinance shall take effect on Jan. 1, 1999; provided that any person licensed as used car dealers on Dec. 31, 1998 whose business does not meet the minimum standards for licensure, as set forth in Paragraph B above, may apply

annually for renewal of said license. Said licensees shall be eligible for re-licensing provided that they meet the following criteria:

1. that the business has remained in continuous operation since December 31, 1998;
2. that the applicant is the same person or entity licensed as of Dec. 31, 1998. For purposes of this section, a corporation shall be considered the same entity only so long as a majority of its officers, directors and/or shareholders remain the same;
3. a license issued under the provisions of this section may be transferred to a different location, with the approval of the City Council License Committee; provided that any license transferred to a residential location shall be valid for a period not to exceed 90 days and shall prohibit storage of vehicles on site. Any license not transferred from a residential location within the time specified by the License Committee shall be void and all rights accrued under the terms of this section shall be extinguished.

Persons applying for renewal of licenses under this section shall be subject to all the provisions of Paragraphs C and D above, and shall provide 10'X20' lined and numbered spaces for storage/display of cars and employee/customer parking in a quantity determined by the City Council.

No applicant licensed under this section shall seek an increase in the number of cars licensed for display and/or storage as of December 31, 1998. Nothing in this section shall prohibit any dealer licensed under this section from applying for a license under Paragraphs A and B of this section.

HISTORY

Amended by Ord. 289-19 on 10/24/2019

Greg Lucey

From: Kathryn Fallon <kathryn@attorneyfallon.com>
Sent: Wednesday, January 6, 2021 10:02 AM
To: tpcallaghan@comcast.net
Cc: Greg Lucey; Diane M. Anthony; Kathryn M. Fallon
Subject: RE: LaFauci Class II license

Good morning Tom,

Happy New Year to you too, I hope you and your family enjoyed peaceful holidays.

Thank you for sending, I would like to speak with you about this.

I am in meetings today, but will call you later this afternoon if that works for you.

Kate

From: tpcallaghan@comcast.net <tpcallaghan@comcast.net>
Sent: Wednesday, January 6, 2021 6:45 AM
To: 'Kathryn Fallon' <kathryn@attorneyfallon.com>
Cc: 'Greg Lucey' <glucey@CITYOFMALDEN.ORG>
Subject: LaFauci Class II license

Kate,
Merry and Healthy New Year to you and your family.
Please be advised this office represents Kenneth LaFauci on his application for renewal of his Class II license.
Please see the attached letter from Atty. Lepore and would request Greg Lucey to include the same in the City's file.
I'm hoping we can talk for a few minutes so I may better understand the City's position on the renewal.
Please feel free to call my cell 781--696-2629 at your convenience.
Thank you.
Tom

Thomas P. Callaghan, Jr.
Kelliher & Callaghan
One Centre Street
Malden, MA 02148
(781) 322-9090 Telephone
(781) 605-0361 Facsimile
tpcallaghan@comcast.net

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LEPORE & HOCHMAN, P.A.
ATTORNEYS AT LAW

One Sprague Street
Revere, Massachusetts 02151

Carmin P. Lepore, Esq.
Jarrod M. Hochman, Esq.

(781) 286-8800
FAX: (781) 289-6259

January 5, 2021

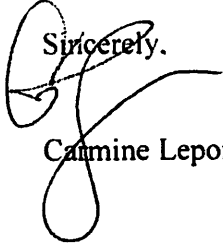
RE: Commonwealth v. Kenneth LaFauci
Chelsea District Court
Docket 2017CR02337

To Whom It May Concern:

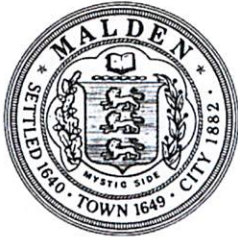
Please be advised that this office represents Mr. LaFauci in regard to vacating the conviction, and appeal, of the above referenced matter.

Thank you for your attention in this regard.

Sincerely,

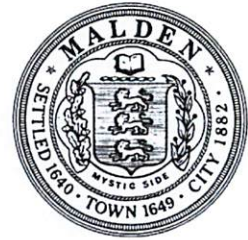

Carmin P. Lepore

CPL/gss



City of Malden

Massachusetts



Gregory Lucey, City Clerk
glucey@cityofmalden.org
www.cityofmalden.org

City Clerk's Office
215 Pleasant Street
Malden, Massachusetts 02148

Phone 781-397-7116
Fax 781-388-0610
elections@cityofmalden.org

January 4, 2021

Re: Brothers Auto Body
969 Salem Street
Malden, MA 02148

Please accept this letter as confirmation the above business has applied for a renewal Class II Dealer's License for 2021 in the City of Malden. As happens, not all licenses have been granted and remain in the City Council License Committee. Brother's Auto Body's renewal application will be acted upon in the upcoming weeks. Per Council Rule 7.02: "A petitioner seeking to renew an existing license may continue to operate, pending final determination of any renewal application by the City Council, but only on condition that application for renewal of said license has been made".

Brother's Auto Body is able to continue to operate until a determination is made on their 2021 renewal application.

Sincerely,



Gregory Lucey
Malden City Clerk
215 Pleasant Street
Malden, MA 02148
781-397-7116
Glucey@cityofmalden.org

1/9/21
emailed to
Tom Callaghan

Greg Lucey

From: Greg Lucey
Sent: Tuesday, December 1, 2020 1:41 PM
To: Jadeane Sica; Barbara Murphy
Subject: FW: Brother's Auto

Just want to keep you in the loop.

From: Sargent, Michael (POL) <michael.sargent3@state.ma.us>
Sent: Tuesday, December 1, 2020 11:59 AM
To: Greg Lucey <glucey@CITYOFMALDEN.ORG>
Subject: Brother's Auto

Good Afternoon Sir,

Just a quick update on Brother's Auto. It has been determined that Mr. Kenneth lafauci has bought/sold 7 salvage vehicles since our discussion using a "zero" car license. It has also been determined that his son Stephen is a resident of 969 Salem street, Brother's Auto Body is still open with business being done at 16-19 Naples Road Revere. Mr. Kenneth Lafauci is a resident of Topsfield.

Trooper Michael Sargent #3505

**Massachusetts State Police
Special Operations
Motor Vehicle Regulatory Section
Salvage Title Section
25 Newport Ave Ext
Quincy, MA 02171**

Greg Lucey

From: Sargent, Michael (POL) <michael.sargent3@state.ma.us>
Sent: Tuesday, June 23, 2020 9:29 AM
To: Greg Lucey
Subject: Brother's Auto Body
Attachments: Letter to Brothers Auto Body - Not renewed due to continued violations, 1-16-20 - signed.pdf

Good Morning Sir,

Thank you for your time it's much appreciated. The attachment is the letter from City of Revere to Brother's Auto. It appears that his lawyer responded with a request for another hearing in February which was granted in March but just happened last week due to COVID- he was denied once again. It also appears that while filing the request for another hearing, he renewed the Malden license.

Trooper Michael Sargent #3505
Massachusetts State Police
Special Operations
Motor Vehicle Regulatory Section
Salvage Title Section
25 Newport Ave Ext
Quincy, MA 02171

6/29/20 - For the second time talked to Ambros (BMW Title Division) not happy
Kenny came in looking for 3 Salvage
title inspections - wanted to know how
can he have 3 when he has 0 cars?
Didn't sound like State Police would
do the inspection, Ambros called here.



City of Revere
Office of the License Commission
City Hall

Brian M. Arrigo
Mayor

January 15, 2020

Mr. Kenneth LaFauci
d/b/a Brothers Auto Body
16-19 Naples Rd
Revere, MA 02151

Dear Mr. LaFauci,

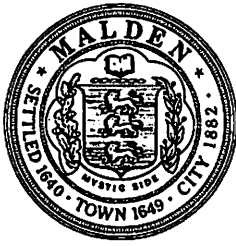
At a regular meeting of the License Commission on December 18, 2019, the Commission voted not to renew your Class 2 Motor Vehicle Dealer license for 2020. This decision was based upon your continued failure to resolve outstanding inspection issues with the city. In a letter to you dated July 5, 2019, you were informed that your approval was contingent upon the conditions that you paid overdue taxes to the city, and confirmed that all requirements of the Revere Fire Department's Office of Fire Prevention were completed and approved. Those conditions have not been met, and the license renewal was denied.

If you have any questions regarding this matter, please feel free to contact the Office of the License Commission at Revere City Hall. Our phone number is 781-286-8165, our email address is mhaney@revere.org and our office hours are Monday through Thursday from 8:15 – 5:00, Friday 8:15 – 12:15.

Sincerely Yours,

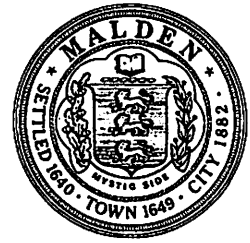
Robert Selevitch
Chairman
Revere License Commission

cc: Linda Guinasso, Vice Chairperson, Revere License Commission; John La Croix, Commissioner, Revere License Commission; Lt. Sean Randall, Revere Police Department; Deputy Chief Paul Cheever, Revere Fire Department; Paul Capizzi, Revere City Solicitor; James Cipoletta, Esquire



City of Malden

Massachusetts



Greg Lucey, City Clerk
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www.cityofmalden.org

City Clerk's Office
110 Pleasant Streets, First Floor
Malden, Massachusetts 02148

Phone 781-397-7116
Fax 781-388-0610

June 29, 2020

Registry of Motor Vehicles
PO Box 55889
Boston, MA 02205-5889

Re: Brothers Auto Body
Case ID: 4622080
Letter ID: L2055845440

To whom it may Concern,

Please accept this letter as confirmation that Brothers Auto Body, 969 Salem Street, Malden, MA 02148 has been issued a Class II Dealers License from the City of Malden for the calendar year 2020.

The current License remains valid.

Respectfully,

Gregory Lucey
Malden City Clerk
110 Pleasant Street
Malden, MA 02148
781-397-7116
glucey@cityofmalden.org



Salvage Inspection Pending

Date: 06/19/2020
BROTHERS AUTO BODY
969 SALEM ST
MALDEN MA 02148

Case ID: 4622080
Letter ID: L2055845440

Dear BROTHERS AUTO BODY :



Why did you receive this correspondence?

The vehicle you presented for salvage inspection on 19-Jun-2020 at the Bridgewater inspection site, 2008 CHEV IMPALA with vehicle identification number (VIN) 2G1WC583189242772, is pending reinspection for the following reason(s):

- Need to check with the City of Malden to make sure dealers licenses is legit



What do you need to do?

Once the issue(s) is corrected, contact the Salvage Inspection Unit to schedule a reinspection appointment at [857-368-8050].

Inspector Name: RIORDAN
Inspector ID Number: 3499

Please note that you have 10 business days from the date of your original inspection to have the vehicle reinspected for no fee.



Are you responsible for any fees?

Not at this time.



What if you have questions?

If you have any questions, refer to our website at mass.gov/rmv or call our Contact Center at 857-368-8000.

Sincerely,
Massachusetts Registry of Motor Vehicles