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Greg Lucey

From: Greg Lucey
Sent: Tuesday, February 9, 2021 12:46 PM
To: tpcallaghan@comcast.net
Subject: RE: LaFauci--License Comm. hearing tonight

Tom,

What is Kenny's email address, I want to make him a panelist instead of an attendee.

greg

2

340-20

From: tpcallaghan@comcast.net <tpcallaghan@comcast.net>
Sent: Tuesday, February 9, 2021 10:14 AM
To: Greg Lucey <glucey@CITYOFMALDEN.ORG>
Subject: FW: LaFauci--License Comm. hearing tonight

Greg,
Please find attached for the License Committee file.
Will I get an email with Zoom info to represent Mr. LaFauci??
Thanks.
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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From: Linda Salines <lmsalines@comcast.net>
Sent: Tuesday, February 9, 2021 10:09 AM
To: Thomas P. Callaghan, Jr. <tpcallaghan@comcast.net>
Subject: LaFauci

Linda Salines, Legal Assistant
Kelliher & Callaghan
One Centre Street, Suite 3A
Malden, MA 02148
(781) 322-9090 Telephone
(781) 605-0361 Facsimile

lmsalines@comcast.net

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**MICHAEL D. SULLIVAN, TRUSTEE
VIPER TRUST
511-513 BROADWAY
MALDEN, MA 02148**

February 8, 2021

To Whom it may concern:

**RE: 511-513 Broadway
Ken LaFauci d/b/a Brothers Auto Body**

Dear Sir/Madam:

The Viper Trust is the owner of the above-referenced real estate.

The Viper Trust has leased office space to Ken LaFauci for his BusinessClass II License.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael D. Sullivan', with a long horizontal flourish extending to the right.

Michael D. Sullivan, Trustee

LEPORE & HOCHMAN, P.A.
ATTORNEYS AT LAW

One Sprague Street
Revere, Massachusetts 02151

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

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

February 8, 2021

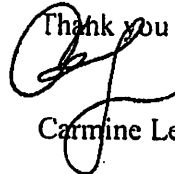
Thomas P. Callaghan, Jr.
Kelliher & Callaghan
One Centre Street
Malden, MA 02148

RE: Commonwealth v. Kenneth LaFauci

Attorney Callaghan:

Per our discussion this office represents Mr. LaFauci in regards to his Motion for New Trial in the above referenced matter. We believe, after a review of the record, that Mr. LaFauci did not receive adequate representation at his trial. We are pursuing avenues of relief based on the ineffective assistance of counsel which prejudiced Mr. LaFauci and led to what we believe is an erroneous conviction.

Thank you for your attention in this regard. If I may be of further assistance please feel free to contact me.

Thank you

Carmine Lepore

CPL/

CNASURETY

PO Box 5077 Sioux Falls SD 57117-5077

1-800-331-6053

Fax 1-605-335-0357

www.cnasurety.com

Email: uwservices@cnasurety.com

February 8, 2021

Kenneth G Lafauci
511-513 Broadway
Malden MA 02148

Re: Bond #62238456 - Kenneth G Lafauci
\$25,000.00 - Second Hand Motor Vehicle Dealer
Company Code: 601 - Western Surety Company

Thank you for the premium payment for the above referenced bond. This document is to serve as notice that payment in full has been remitted for the term of 12.8.2020 through 12.8.2021. This type of bond remains in full force and effect without a renewal bond or Continuation Certificate. If you have any questions, please contact your local agent.

brothersautobodyrevere@aol.com

Consider making your payment through CNA Surety ePay. Pay for your bond/policy premium online using your own credit/debit card or ACH at your convenience 24 hours a day. Simply go to: onlinepay.cnasurety.com and follow the easy-to-use prompts. You can pay your bill in minutes, saving you time and money.

Greg Lucey

From: Greg Lucey
Sent: Tuesday, February 2, 2021 5:38 PM
To: Jadeane Sica
Subject: RE: FW: Brother's Auto

Thanks

From: Jadeane Sica <jsica@CITYOFMALDEN.ORG>
Sent: Tuesday, February 2, 2021 5:27 PM
To: Greg Lucey <glucey@CITYOFMALDEN.ORG>
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

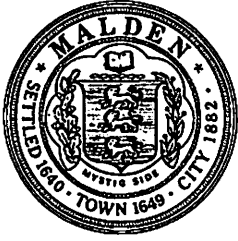
limits. Mr. Lafauci has a Class 2 license in Revere which is currently revoked. Mr. Lafauci claims that he is purchasing and selling vehicles utilizing his Malden license, however during salvage inspections he lists the Revere business and address on the documents. We are seeking clarification from you, 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.

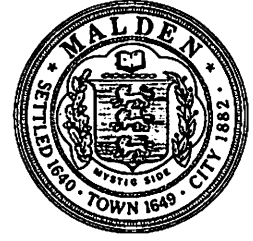
Trooper Michael Sargent #3505
Massachusetts State Police
Special Operations
Motor Vehicle Regulatory Section
Salvage Title Section
25 Newport Ave Ext
Quincy, MA 02171

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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

January 27, 2021

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

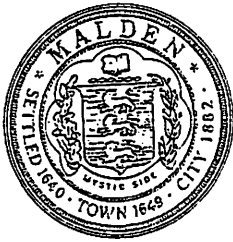
Dear Mr. LaFauci,

The License Committee has requested you and your representative's presence for a hearing to discuss your 2021 Class II Dealers License Renewal on Tuesday, February 9th at 5:30. During the renewal process, the License Committee were made aware of concerns that need to be addressed regarding your license. The hearing will be conducted remotely by zoom.

Please confirm to me by email that you will be able to attend. Once confirmed, I will send out a zoom invite to you and your representative.

Sincerely,

Gregory Lucey
Malden City Clerk

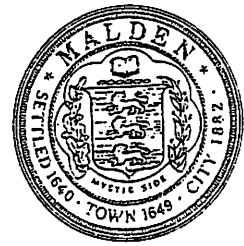


Gregory Lucey, City Clerk
glucey@cityofmalden.org
www.cityofmalden.org

City of Malden

Massachusetts

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

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 Maiden.
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;

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 requirements 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