

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CRANSTON, RITT

RHODE ISLAND TRAFFIC TRIBUNAL

CITY OF CRANSTON

v.

KARL ANASTASI

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C.A. No. T12-0046
07402037771

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STATE OF RHODE ISLAND
TRAFFIC TRIBUNAL
FILED

DECISION

PER CURIAM: Before this Panel on September 12, 2012—Administrative Magistrate Cruise (Chair, presiding), Chief Magistrate Guglietta, and Judge Parker, sitting—is Karl Anastasi’s (Appellant) appeal from a decision of Judge DiSandro, sustaining the charged violation of G.L. 1956 § 31-8-3,¹ “Improper use of evidences of registration or certificate of title.” The Appellant appeared before this panel pro se. Jurisdiction is pursuant to § 31-41.1-8.

Facts and Travel

On March 11, 2012, an officer from the Cranston Police Department (Officer) charged Appellant with the aforementioned violation of the motor vehicle code. The Appellant contested the charge, and the matter was set down for trial on July 10, 2012.

At trial, the officer testified that on the date in question, at approximately 12:40 p.m., he observed Appellant’s vehicle with no front license plate and with an Indiana

¹ “No person shall lend to another any certificate of title, registration card, registration plate, special plate, or permit issued to him or her if the person desiring to borrow it would not be entitled to its use. Nor shall any person knowingly permit its use by one not so entitled. Nor shall any person display upon a vehicle any registration plate or permit not issued for that vehicle or not otherwise lawfully used on it under chapters 3 - 9 of this title. Any violation of this section is a civil violation.” G.L. 1956 § 31-8-3

transporter plate on the rear of the vehicle. (Tr. at 1.) The officer proceeded to stop the vehicle due to his knowledge that transporter plates are supposed to be used for the single purpose of transit from wholesale location to the customer. The Appellant handed the officer a bill of sale from Ocean State Auto Auction in Exeter dated March 8, 2012, which was three days prior to this traffic stop. Appellant explained that he worked for a company that worked out of both Indiana and Massachusetts, and he was on his way to the car wash. The officer eventually seized the plate since he considered the vehicle to be unregistered.

On questioning by the trial judge, Appellant testified that he was transporting the vehicle back to Specialty Auto for the purpose of bringing it to the car wash. (Tr. at 2.) Appellant went on to testify that the state of Indiana does not issue two license plates, but only issues one. (Tr. at 2.) Appellant was not able to present documentation that he was actually employed by Specialty Auto Sales, Inc. out of Bloomfield. (Tr. at 5.)

Following the trial, the trial judge sustained the charged violation of § 31-8-3. In rendering his decision, the trial judge determined that the Appellant was not actually transporting the vehicle for corporate purposes, but he was actually using it for private purposes. (Tr. at 5.) The trial judge found it significant that the Appellant could not provide documentation to support the capacity in which he worked for the company, Specialty Auto Sales Inc., for which he claimed to be transporting the vehicle. (Tr. at 5.) Aggrieved by this decision, Appellant filed a timely appeal to this Panel.

Standard of Review

Pursuant to G.L. 1956 § 31-41.1-8, the Appeals Panel of the Rhode Island Traffic Tribunal possesses appellate jurisdiction to review an order of a judge or magistrate of the Rhode Island Traffic Tribunal. Section 31-41.1-8(f) provides in pertinent part:

The appeals panel shall not substitute its judgment for that of the judge or magistrate as to the weight of the evidence on questions of fact. The appeals panel may affirm the decision of the judge or magistrate, or it may remand the case for further proceedings or reverse or modify the decision if the substantial rights of the appellant have been prejudicial because the judge's findings, inferences, conclusions or decisions are:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the judge or magistrate;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

In reviewing a hearing judge or magistrate's decision pursuant to § 31-41.1-8, this Panel "lacks the authority to assess witness credibility or to substitute its judgment for that of the hearing judge [or magistrate] concerning the weight of the evidence on questions of fact." Link v. State, 633 A.2d 1345, 1348 (R.I. 1993) (citing Liberty Mutual Insurance Co. v. Janes, 586 A.2d 536, 537 (R.I. 1991)). "The review of the Appeals Panel is confined to a reading of the record to determine whether the judge's [or magistrate's] decision is supported by legally competent evidence or is affected by an error of law." Link, 633 A.2d at 1348 (citing Environmental Scientific Corp. v. Durfee,

621 A.2d 200, 208 (R.I. 1993)). “In circumstances in which the Appeals Panel determines that the decision is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record or is affected by error of law, it may remand, reverse, or modify the decision.” Link, 633 A.2d at 1348. Otherwise, it must affirm the hearing judge’s [or magistrate’s] conclusions on appeal. See Janes, 586 A.2d at 537.

Analysis

On appeal, Appellant argues that the bill of sale presented at trial should be sufficient to show that he was employed by Specialty Auto Sales, Inc. to purchase vehicles at auctions. Appellant also contends that he did not have two license plates because the state of Indiana issues only one.

In the present case, the trial judge’s decision to rely on the officer’s testimony in sustaining the charged violation of § 31-8-3 is not affected by error of law. There was legally competent evidence in the record before the trial judge that companies are allowed to use the transporter license plates only to deliver a vehicle, and for no other purpose. In rendering his decision, the trial judge specifically found that all of the elements of the violation were met and the judge went on to state “[i]n any event, this officer has knowledge of these Indiana plates, he indicates that they are supposed to be used for transit only and by his recollection there’s supposed to be two plates on it . . .” (Tr. at 5.) Based on the testimony provided by the officer to the trial judge, the members of this Panel find that the trial judge’s decision is not erroneous in view of reliable, probative, and substantial evidence on the record. Moreover, the trial judge’s decision to reject Appellant’s argument that he was employed by Specialty Auto Sales, Inc. to

purchase vehicles at auctions was a question of fact that this Panel is without authority to disturb because the trial judge's decision was supported by competent evidence. See Link, 633 A.2d at 1348.

Conclusion

This Panel has reviewed the entire record before it. Having done so, the members of this Panel are satisfied that the trial judge's decision was not an abuse of discretion or affected by other error of law. Substantial rights of Appellant have not been prejudiced. Accordingly, Appellant's appeal is denied, and the charged violation sustained.