STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920

IN THE MATTER OF:	:
Mitchell International, Inc. and its WorkCenter Total Loss Product's Application under R.I. Gen. Laws § 27-9.1-4(25) and Insurance Regulation 73, Section 8(A)(2),	:
RESPONDENT.	:

DECISION

I. INTRODUCTION

This matter arose pursuant to the Department of Business Regulation's ("Department") Order Appointing Hearing Officer and Notice of Solicitation of Public Comment and Hearing ("Notice") issued on February 28, 2018 in relation to Mitchell International, Inc. ("Respondent") and its WorkCenter Total Loss Product's Application ("Application") to qualify as a "nationally recognized compilation of retail values commonly used by the automotive industry." See R.I. Gen. Laws § 27-9.1-4(25) and Insurance Regulation 73, Section 8(A)(2) now known as 230 RICR-20-40-2, *Unfair Property/Casualty Claims Settlement Practices* ("Regulation"), Section 2.8(A)(2)(a).[1] A pre-hearing conference was held on March 12, 2018. Written comments by interested parties were to be submitted by April 2, 2018. A public hearing for comment was held on April 12, 2018 with any final written comments due by April 26, 2018.

[1] This regulation previously known as *Insurance Regulation* 73 has now been codified pursuant to R.I. Gen. Laws § 42-35-5.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant R.I. Gen. Laws § 27-1-1 *et seq.*, R.I. Gen. Laws § 27-9.1-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and 230-RICR-100-00-2 *Rules of Procedure for Administrative Hearing.*

III. ISSUE

Whether the Respondent's Application filed pursuant to R.I. Gen. Laws § 27-9.1-4(25) and Section 2.8(A)(2)(a) of the Regulation should be granted.

IV. MATERIAL FACTS

The purpose of these proceedings was to gather input from all interested persons in order to determine whether the Application should be approved or rejected.

V. DISCUSSION

A. Legislative Intent

The Rhode Island Supreme Court has consistently held that it effectuates legislative intent by examining a statute in its entirety and giving words their plain and ordinary meaning. *In re Falstaff Brewing Corp.*, 637 A.2d 1047 (R.I. 1994). If a statute is clear and unambiguous, "the Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings." *Oliveira v. Lombardi*, 794 A.2d 453, 457 (R.I. 2002) (citation omitted). The Supreme Court has also established that it will not interpret legislative enactments in a manner that renders them nugatory or that would produce an unreasonable result. See *Defenders of Animals v. DEM*, 553 A.2d 541 (R.I. 1989) (citation omitted). In cases where a statute may contain ambiguous language, the Supreme Court has consistently held that legislative intent must be considered. *Providence Journal Co. v. Rodgers*, 711 A.2d 1131 (R.I. 1998).

B. Relevant Statutes and Regulation

On July 17, 2013, R.I. Gen. Laws § 27-9.1-4 was amended to add subsection (25)[2] regarding how to determine the fair market value of a total loss automobile. In response to this amendment, the Department amended the Regulation effective February 18, 2014.[3] On March 24, 2014, the Department issued Insurance Bulletin 2014-2 *Total Loss Valuation Services* ("Bulletin").[4]

R.I. Gen. Laws § 27-9.1-4 provides in part as follows:

> "Unfair claims practices" defined.
> ***
> (25) Designating a motor vehicle a total loss if the cost to rebuild or reconstruct the motor vehicle to its pre-accident condition is less than seventy-five percent (75%) of the "fair-market value" of the motor vehicle immediately preceding the time it was damaged:
> (i) For the purposes of this subdivision, "fair-market value" means the retail value of a motor vehicle as set forth in a current edition of a nationally recognized compilation of retail values commonly used by the automotive industry to establish values of motor vehicles;

Section 2.8 of the Regulation provides in part as follows:

> A. Total Loss Vehicle
> ***
> 2. Fair market value means the retail value of the motor vehicle as set forth in a current edition of a nationally recognized compilation of retail values commonly used by the automotive industry to establish values of motor vehicles.
> a. To qualify as "nationally recognized compilation of retail values commonly used by the automotive industry," a filing must be made with the Department requesting that the entity be deemed to qualify under R.I. Gen. Laws § 27-9.1-4(25). The filing may be made by the entity itself or any person seeking qualification of an entity for this purpose. Initial filings should be made within ten (10) days of the effective date of this section.
> b. The Department will review the filings and determine whether it will hold a hearing on those entities that have made such application to obtain input from all interested persons or approve or reject the filings without further information.

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[2] P.L. 2013, ch. 509 § 1.

[3] See Concise Explanatory Statement for the Regulation dated January 18, 2014 and attached as Exhibit Two (2) to the Department's filing on this Application.

[4] http://www.dbr.ri.gov/documents/news/insurance/InsuranceBulletin2014-2.pdf.

c. The Department will publish a bulletin identifying those entities that qualify. The bulletin will be updated as entities are added or removed due to changes in circumstances.

d. Applications requesting to add entities may be filed at any time and will be addressed by the Department in due course.

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4. Cash Settlements

a. A cash settlement shall be based upon the fair market value of the motor vehicle less any deductible provided in the policy, if applicable, including all applicable taxes, title, registration and other fees incident to transfer of evidence of ownership of a comparable automobile.

b. When the cash settlement amount is affected by betterment or depreciation, the insurer must support the deviation by documentation in the claim file by giving particulars of the automobile condition that warrant said deviation. Any deductions or betterment from fair market value, including deduction for salvage, must be measurable, discernible, itemized and specified as to dollar amount and shall be appropriate in amount. Deduction shall not be made for reconditioning or dealer preparation. The basis for determining fair market value shall be fully explained to the claimant. All information that is the basis for such reduction shall be contained in the claim file and a copy of the valuation shall be provided to the claimant.

c. If the insurer in the process of adjusting a total loss makes a deduction for salvage of the claimant's vehicle, the insurer must furnish the claimant with the name and address of a salvage dealer who will purchase the salvage for the amount deducted.

The Bulletin provides as follows:

Pursuant to R.I. Gen. Laws § 27-9.1-4(25) insurers must pay the "fair market value" for a vehicle that is declared a total loss. The statute defines "fair market value" as "... the retail value of the motor vehicle as set forth in a current edition of a nationally recognized compilation of retail values commonly used by the automotive industry to establish values of motor vehicles." Over the past decade the Department has been presented with numerous consumer complaints concerning the amount consumers are offered by insurers for total loss vehicles. In virtually every situation, the conflict results from arbitrary deductions taken from comparable vehicle values when calculating the total loss value.

In implementing R.I. Gen. Laws § 27-9.1-4(25) the Department amended Insurance Regulation 73 and required that a filing be made by or on behalf of any entity that advocated that it had a program that qualified under the statute. Filings were made by or on behalf of eight entities (National Automobile Dealers Association (NADA); Kelly Blue Book (KBB); Price Digests, Vehicle Valuations Service, Inc., Audatex, Auto Bid LLC, CCC Information Services Inc. and Mitchell International Inc.) Following review of the filings the Department concludes that the minimum "fair market value" can be derived from the compilation of values provided by NADA and KBB. The remaining applicants have not established that they are "used by the automotive industry" which is a necessary criteria under the statute. The Department interprets the term automotive industry to be those entities that actually sell automobiles.

> Insurers may not pay less than the NADA or KBB value adjusted pursuant to Insurance Regulation 73(8)(A)(4). Insurers may not, under any circumstance, utilize valuations that reduce the minimum value for items such as dealer preparation, reconditioning or an amount that a dealer might accept in sale of a comparable vehicle (i.e. "take price".) Insurers are, however, required to pay the actual loss and if that amount exceeds the minimum value the insurer must pay the higher amount. In cases where NADA or KBB do not have a listing for a particular vehicle, insurers may use services that provide comparable vehicles, however, insurers may not vary those comparable vehicle listings other than by mileage, options and condition.
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> Insurers are not required to obtain the valuations directly from NADA or KBB. A number of the valuation services that filed indicated that they either currently provide or are able to provide the NADA or KBB valuations along with other data about comparable vehicles. Insurers may utilize valuations from any of the applicants, however, insurers may not offer less than NADA or KBB in settlement of the claim.

C. The Application

By letter dated February 23, 2018, the Respondent submitted its Application.[5] In its cover letter, it indicated its "WorkCenter Total Loss" ("WorkCenter") product is a resource recognized by the insurance and automobile industries and like NADA and KBB is a nationally recognized compilation of retail values commonly used by the automotive industry. The Respondent indicated that automotive industry includes more than those entities that sell motor vehicles so includes the automobile insurance industry. The Respondent indicated that approximately 60 automobile insurers currently use WorkCenter to help settle their total loss claims and national rental companies do so as well. The Respondent indicated that the WorkCenter product was commercially released in 2005. The Respondent indicated that it contracts with nationally recognized data sources to receive information on vehicles for sale and sold.

The Application indicated that the Respondent will locate comparable vehicles similar to the total loss vehicle in the same market area and on autotrader.com, cars.com, vast.com, and directly from dealerships. It will then adjust the comparable vehicles by adjusting projected sold

[5] The Application was attached to the Notice.

adjustment (consumer purchasing behavior), age of advertisement, mileage, and equipment for differences between the comparable vehicle and the lost vehicle. It will then calculate the base vehicle value by averaging the adjusted prices for comparable vehicles and calculate the loss vehicle adjustments. There are four (4) types of loss vehicle adjustments: the condition, prior damage, aftermarket part, and refurbishment. The market value is then calculated by applying the loss vehicle adjustments to the base value.

D. Submissions

a. Division of Insurance, Department of Business Regulation

The Department recommended an adaption of a three-part standard when reviewing the Application under the law and Regulation. It argued that the first inquiry should be to determine whether an applicant is a nationally recognized compilation of motor vehicle values. It argued that the second inquiry should be whether an applicant is regularly used by the automotive industry to establish values on motor vehicles and third, whether an applicant applies arbitrary deductions taken from comparable vehicle values when calculating the total loss values. The Department pointed out that the Bulletin gives guidance for the definition of "compilation" and "automotive industry" and while it did not define "national compilation," it did accept electronic or paper form as a compilation and dictionary definitions would support a finding that compilation included electronic forms. The Department indicated that the Respondent agreed after filing its Application not to take arbitrary deductions from comparable vehicle values as that is prohibited by Section 2.8(A)(4)(b) of the Regulation. The Department took no position on the Application, but believes that the Application is similar to the Respondent's 2014 application which was denied in 2014. See Department's Exhibit Five (5) attached to its submission (Respondent's 2014 application).

b. The Respondent

The Respondent argued that it meets the standard set by the Department. It argued that that it is a nationally recognized compilation of motor vehicle values used by the automobile industry. It argued that its vehicle database is a compilation of data from industry leading and nationally recognized sources of data such as J.D. Power information network, auto auctions, and various websites such as autotrader.com, cars.com, truecar.com, and vass.com. Using those sources, the Respondent argued that WorkCenter creates an up to date comprehensive vehicle database. It argued compilation includes electronic sources. Like NADA and KBB, the Respondent argued that WorkCenter is used specifically in the automobile rental and automobile insurance industry and that the automobile industry not only includes companies engaged in sales, but includes the automobile insurance industry and car rental companies. It represented that WorkCenter will disable the deductions part of its system at the request of the Department.

c. Auto Body Association of Rhode Island ("ABARI")

ABARI argued that in order to ensure consumers are reimbursed a fair amount for their vehicles, the 2013 amendment was passed and in doing so, it removed the insurer based valuation products that resulted in lower vehicle values. ABARI argued that the retail value of a vehicle is found in the normal chain of commerce, i.e. auto dealers and not wholesalers or trade-in values. ABARI argued that the Respondent uses online sites for classified ads. ABARI argued that NADA and KBB are updated quarterly and divided into geographic regions and can be assessed by consumers. It argued that this is different from the WorkCenter which was commercially released in 2005 and cannot be a nationally recognized compilation because it is a software program available for sale or use at a price to insurers and rental agencies that accesses a changing database. In its post hearing submission, ABARI argued that while the Respondent agreed to remove its sold

adjustment, such an arbitrary removal would seem to affect the validity of the valuations. ABARI argued that the WorkCenter is not an automotive industry source and is not a current edition, but rather reflects certain advertisements at a particular moment in time.

d. Property Casualty Insurers Association of America ("PCI")

PCI argued that the WorkCenter is a compilation of motor vehicle values from which individualized evaluation reports are generated. PCI argued that the Department agreed that compilation is not limited to a written publication and the product is nationally recognized since based on the Application, it is used in some capacity in all 50 states. PCI argued that the Department's definition of the automotive industry is too narrow as manufacturers sell vehicles but set their own prices and there are some entities like rental companies that sell vehicles and rely on valuation sources. PCI argued that the Respondent qualifies as a total loss valuation source.

e. Ernest Shaghalian, Inc. d/b/a Alpine Insurance Agency

This submission argued against approving the Application since the WorkCenter is only used by insurers and automobile body shops and not the public who use NADA and KBB and the Respondent is not in the automotive industry but is in the crash repair and insurance valuation business. The submission argued that consumer complaints have virtually disappeared since NADA and KBB valuations have become standard.

F. Whether the Respondent's Application Should Granted

In *Property Cas. Insurers Ass'n of Am. v. McGreevy*, 2014 R.I. Super. LEXIS 131, the Superior Court upheld the Department's promulgation of the Regulation in response to the 2013 statutory amendment finding that the Department's interpretation of the statute was reasonable. The Regulation did not define all terms used in the Regulation, but the Department issued the Bulletin as required by the Regulation that determined which applications filed pursuant to R.I.

Gen. Laws § 27-9.1-4(25) were approved in 2014 and provided guidance in term of the methodology and definitions used for the statutory terms.[6]

R.I. Gen. Laws § 27-9.1-4(25) provides when a vehicle is a total loss in relation to the cost to repair and its "fair market value." The statute provides that "fair market value" is the "retail value of a motor vehicle as set forth in a current edition of a nationally recognized compilation of retail values commonly used by the automotive industry to establish values of motor vehicles." Thus, the value must be found in a national compilation but it must be a current edition and be nationally recognized and usually used by the automotive industry to establish motor vehicles values. The Regulation requires that if the settlement is affected by betterment or depreciation, such deviation in value must be supported by documentation. Deductions cannot be made for reconditioning or dealer preparation. As explained in the Bulletin, the Department received numerous consumer complaints concerning the total loss values offered by insurers and in most situations, the conflict (between the consumer and insurer) resulted from arbitrary deductions taken from comparable values when calculating the total loss value. The statutory amendment was geared to prevent these type of valuation disputes.[7]

a. <u>The Statute: Its Definitions and applying it to the Application</u>

As set forth above, the words of a statute are to be given their plain and ordinary meaning. In *Roadway Express, Inc. v. Rhode Island Commission for Human Rights*, 416 A.2d 673 (R.I. 1980), the Court relied on a dictionary definition in applying the "ordinary meaning" of "must." *Id.*, at 674. As the Court has found, "[i]n a situation in which a statute does not define a word,

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[6] The Bulletin is an interpretative rule and not a regulation so that it was issued for purposes of guidance and definition. It does not have the full force and effect of law as would a regulation. See *Allard v. Department of Transportation*, 609 A.2d 930 (R.I. 1992).

[7] The audio recording of the public comment session on this proposed amendment before the House Committee on Corporations on March 27, 2013 can be found at: http://ritv.devosvideo.com/show?video=h0onyag3&apg=18d8762c.

courts often apply the common meaning given, as given by a recognized dictionary." *Defenders of Animals, Inc.*, at 543.

The statute speaks of a compilation of retail values used by the automotive industry. The Bulletin defined the term automotive industry to be "those entities that actually sell automobiles." Automotive clearly relates to automobiles. Industry is commonly thought of as related to manufacturing or business. Indeed, *Mirriam-Webster's* definitions of industry include "systematic labor especially for some useful purpose or the creation of something of value" or "a department or branch of a craft, art, business, or manufacture; *especially*: one that employs a large personnel and capital especially in manufacturing" or "a distinct group of productive or profit-making enterprises."[8] The use of automotive industry would not commonly include insurance. Insurance could be referred to the insurance industry in terms of the business of insurance writing and selling, but insurance is not part of the automotive industry. This common understanding of the automotive industry is supported by explanation of the automotive industry in the *Encyclopedia Brittanica* which describes the automotive industry as the manufacturing of motor vehicles.[9] In other words, the Department's definition of automotive industry in the Bulletin is consistent with the common usage of the term which applies to the manufacturing of automobiles. Car manufacturers sell automobiles. The common usage of the term automotive industry does not include automobile insurance as argued by the Respondent. The Respondent also argued that using the definition of

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[8] https://www.merriam-webster.com/dictionary/industry.

[9] Automotive industry is described in part as follows:

> Automotive industry, all those companies and activities involved in the manufacture of motor vehicles, including most components, such as engines and bodies, but excluding tires, batteries, and fuel. The industry's principal products are passenger automobiles and light trucks, including pickups, vans, and sport utility vehicles. Commercial vehicles (i.e., delivery trucks and large transport trucks, often called semis), though important to the industry, are secondary.
>
> https://global.britannica.com/technology/automotive-industry

automotive industry as entities that sell automobiles would include car rental companies as those companies sell automobiles as well as rent out automobiles. However, while car rental companies might sell cars, their main business is renting cars. They do not manufacture cars and sell them.

The Bulletin did not define "national compilation," but the Department accepted an electronic or paper form compilation. E.g. NADA and KBB are in book and on-line format.[10] Compilation is defined as "the act or process of compiling [e.g.] the annual compilation of data" or "something compiled [e.g.] a *compilation* of hit songs . . . a *compilation* of vehicular accident reports."[11] Compile is defined as "to compose out of materials from other documents" or "to collect and edit into a volume."[12] In terms of the compilation of values, the compilation is to be set forth in a "current edition." The common usage of current (in this context) would be that a current edition shows there are continuous editions with older versions and that there are updated versions. Thus, a current edition indicates that there are various (continuous) editions with the current edition being the most recent version of the compilation. There are various definitions of current with the "most recent" as in "the magazine's current issue" or "the current survey" reflecting how the word is being used in the statute.[13] Edition is "the form or version in which a

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[10] Administrative notice is taken of the fact that there are published (in book form) editions of KBB (as well as being available online). Quarterly editions of the 2017 KBB are available at www. Amazon.com. A 2018 edition, the *Kelly Blue Book Consumer Guide Used Car Edition: Consumer Edition Oct-Dec 2018*, is available for pre-order [October 7, 2018 publication date] at https://www.amazon.com/Kelley-Blue-Book-ConsumerGuide/dp/1936078147/ref=sr_1_4?ie=UTF8&qid=1525959092&sr=84&keywords=kelley+blue+book+2018&dpID=51F5olGyc-L&preST=_SY291_BO1,204,203,200_QL40_&dpSrc=srch.

Administrative notice is taken of NADA as well. NADA has online access as well as publishes the 2018 NADA Official Used Car Guide that is updated monthly in ten (10) different regions. See http://www.nadaguidesstore.com/Store/official-used-car-guide.

[11] https://www.merriam-webster.com/dictionary/compilation.

[12] https://www.merriam-webster.com/dictionary/compile.

[13] See https://www.merriam-webster.com/dictionary/current. Current can also refer to running or flowing (the ocean's current) or "generally accepted, used, practiced, or prevalent at the moment" such as "current fashions."

text is published [e.g.] "paperback edition" or "the whole number of copies published at one time."[14]

The national compilation can be published electronically, but it needs to be a current edition. A current edition could refer to a yearly, quarterly, monthly, weekly or even a daily edition. However, WorkCenter is not that kind of edition since it is per car and is not an updated compilation as envisioned by the statutory term "edition." It is an online computer program that is available for a fee electronically, but is not available in an updated edition.

The statute requires the compilation to be of "retail values." It is commonly understood that there is a difference between retail pricing and a wholesale or a discounted price. Indeed, the acronym, MSRP, stands for "manufacturer's suggested retail price" which is the price recommended by the manufacturer for which the retailer sells the good. Retail price is defined as the "price of a good or product when it is sold to the end user for consumption, not for resale through a third-party distribution channel."[15] Therefore, the values in the national compilation are to be of retail values rather than wholesale or discounted prices. While the Application indicated that 97% of WorkCenter's values were from dealers, its values are not all based on retail values.

b. Conclusion

The statute is clear and unambiguous. It requires that total loss values be determined by values contained in a current (updated) edition of nationally recognized compilation of retail values commonly used by the automotive industry.

Based on the foregoing, the following findings are made-

1. The insurance industry is not part of the automotive industry.

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[14] https://www.merriam-webster.com/dictionary/edition.
[15] http://www.businessdictionary.com/definition/retail-price.html.

2. Car rental companies are not part of the automotive industry.

3. WorkCenter is not used by the automotive industry.

4. While its publication maybe online, the WorkCenter is not a current edition.

5. While WorkCenter apparently obtains much sales data, the data is not necessarily all retail values so the given values do not reflect retail values.

On the bases of those findings – individually or collectively - the Application would fail. Therefore, based on the foregoing, the Application does not meet the statutory requirements of R.I. Gen. Laws § 27-9.1-4(25).[16]

VI. FINDINGS OF FACT

1. This matter arose pursuant to Notice issued to the Respondent by the Department on February 28, 2018.

2. Pursuant to R.I. Gen. Laws § 27-9.1-4(25) and Section 2.8(2)(a) of the Regulation, the Respondent applied to qualify as a "nationally recognized compilation of retail values commonly used by the automotive industry."

3. A pre-hearing conference was held on March 12, 2018 with written comments due by April 2, 2018. A hearing for public comment was held on April 2, 2018 with any further written comments to be filed by April 26, 2018.

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[16] The Bulletin pointed out that the Department had received many complaints regarding amounts offered consumers by insurers for total loss values and the value disparity resulted from arbitrary deductions taken from comparable vehicles. It is for this reason the statute was amended to provide a standard for valuing total losses. And it would be for that reason the Department in its Bulletin indicated that comparable vehicles could only be varied due to mileage, options, and condition (if insurers have to use other services rather than NADA and KBB) and the Regulation provided that no deductions were to be made for reconditioning or dealer preparation.

The statutory language is clear and unambiguous, but if intent was to be considered, the intent of the statute is to ensure that total loss values are determined by a nationally known and accessible standard publication used by the automotive industry in order to avoid disparities in values. Such an intent supports the findings in this decision as evidenced by the statutory language used.

4. All other facts stated in Sections IV and V are fully incorporated herein as findings of fact.

VII. CONCLUSIONS OF LAW

1. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 27-9.1-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

2. The Respondent's Application did not meet the requirements of R.I. Gen. Laws § 27-9.1-4(25) and the Regulation.

VIII. RECOMMENDATION

Based on the foregoing, the Hearing Officer recommends that the Respondent's Application be denied.

Date: June 14, 2018

Catherine R. Warren
Hearing Officer

ORDER

I have read the Hearing Officer's Decision and Recommendation in this matter, and I hereby take the following action with regard to the Decision and Recommendation:

✓ ADOPT
_____ REJECT
_____ MODIFY

Dated: 6/21/18

Elizabeth M. Tanner, Esquire
Director

NOTICE OF APPELLATE RIGHTS

THIS DECISION CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify that on this 21 day of June, 2018, that a copy of the within Order was sent to the following:

Mitchell International, Inc. Debbie Day, EVP and General Manager 6220 Greenwich Drive San Diego, CA 92122 Iris Mitrakos, Assistant General Counsel Iris.Mitrakos@mitchell.com	Dentons US LLP Bill Gantz Bill.Gantz@dentons.com Corinne Carr Corinne.Carr@carrlegalgroup.com
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