

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE BUILDING 69-1
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF :
 :
 :
PC & TC Inc. :
d/b/a Lakis Pizza :
 :
RESPONDENT. :
 :

CONSENT AGREEMENT

It is hereby agreed between the Department of Business Regulation (“Department”) and PC & TC, Inc. d/b/a Lakis Pizza (“Respondent”) as follows:

1. Respondent holds a Class B license for the retail sale of alcoholic beverages pursuant to R.I. Gen. Laws § 3-7-7.

2. R.I. Gen. Laws § 3-5-21 provides that every license is subject to revocation or suspension and a licensee is subject to fine by the Department, on its own motion, for breach by the holder of the license of the conditions on which it was issued or for violation by the holder of the license of any statute, rule or regulation applicable.

3. R.I. Gen. Laws § 3-7-18 provides:

All holders of retail licenses except retail Class G licenses shall purchase beverages for sale under their licenses only from the holder or holders of wholesale licenses under this title.

4. R.I. Gen. Laws § 3-5-12 provides, in pertinent part:

Only beverages which have been legally manufactured and on which all taxes and charges, federal and state, have been paid, shall be kept for sale or sold by a licensee.

5. Rule 20 of *Commercial Licensing Regulation 8 – Liquor Control*

Administration provides:

All wholesaler deliveries of alcoholic beverages to a retail licensee shall be accompanied by an invoice of sale and/or delivery slip, which shall bear as its date the date of delivery of such alcoholic beverages.

6. Rule 38 of *Commercial Licensing Regulation 8 – Liquor Control*

Administration provides, in pertinent part:

Possession of unauthorized alcoholic beverages in a licensed premise by the licensee or any of his employees shall be presumptive evidence that said beverages are for sale by the licensee and may result in suspension or revocation of the license.

7. On June 11, 2010, an inspector of the Department found on Respondent's premises alcoholic beverages that were not purchased legally.

8. Based on the foregoing, the Department has reason to believe that Respondent violated R.I. Gen. Laws §§ 3-7-18 and Rules 20, 30, and 38 of *Commercial Licensing Regulation 8 – Liquor Control Administration*.

9. The Department has sufficient cause to impose an administrative penalty pursuant to R.I. Gen. Laws § 3-5-21.

11. In an effort to resolve the above-referenced violation and allow Respondent to maintain its license in good-standing, Respondent agrees to the following:

A. Respondent understands that the Department is charged with protecting the public by ensuring that its Licensees are competent and trustworthy and are reasonably familiar with the statutes and law relating to real estate.

- B. Respondent shall comply with all terms and requirements for licensure under R.I. Gen. Laws §§ 3-5-1, *et seq.* and 3-7-1, *et seq.*, and *Commercial Licensing Regulation 8 – Liquor Control Administration*.
- C. Respondent agrees that a failure to comply with all terms and requirements for licensure as described in paragraph 9(B) may result in the revocation of Respondent’s license.
- (i) Respondent agrees to cease and desist from any activity requiring licensure as a Class B retailer, pursuant to R.I. Gen. Laws § 3-7-3, on September 30, 2007.
- F. Respondent shall pay a fine in the amount of \$1,500.00 to be paid as follows:
- \$500.00 to be paid at the execution of this order
- \$500.00 to be paid on November 2, 2010
- \$500.00 to be paid on December 17, 2010
- payable to the Rhode Island General Treasurer.
- G. Respondent voluntarily waives its right to the hearing process, voluntarily waives its right to appeal to Superior Court, admits that the allegations in Paragraphs 7 and 8, *supra*, are true, and agrees to take all necessary action as delineated in this Consent Agreement in order to maintain its license in good-standing.

10. If Respondent does not comply with the terms of this
Consent Agreement, the Department reserves its right to

revoke Respondent's license pursuant to R.I. Gen. Laws

§§ 3-5-21, 42-35-9, and 3-5-11.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation
By:

Maria D'Alessandro
Maria D'Alessandro, Esq.
Deputy Director of Securities,
Commercial Licensing and Racing & Athletics

Respondent
By:

x Paulie Carpotu
PC & TC, Inc. d/b/a Lakis Pizza

Date: 9/16/10

Date: 9/16/10