

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX, BLDG 68-69
1511 PONTIAC AVENUE
CRANSTON, RI 02920

Eagle Social Club d/b/a Ava's Wrath	:	
Appellant,	:	
	:	
	:	DBR No.: 14LQ056
v.	:	
	:	
The City of Providence Board of Licenses,	:	
Appellee.	:	

DECISION

I. INTRODUCTION

On or about November 5, 2014, the Providence Board of Licenses (“Providence” or “Board” or “City”) notified the Eagle Social Club d/b/a Ava’s Wrath (“Appellant”) that its Class D liquor license (“License”) located at 383 Admiral Street, Providence, Rhode Island had been revoked. Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant appealed this decision to the Director of the Department of Business Regulation (“Department”). By order dated November 13, 2014, the Department denied the Appellant’s request for stay. Pursuant to R.I. Gen. Laws § 3-7-21(c),¹ the parties agreed to base the appeal on the record before the Board. Oral closings were made on December 5, 2014.²

¹ R.I. Gen. Laws § 3-7-21 states in part as follows:
Appeals from the local boards to director.

(c) The director may accept into evidence a stenographic transcript of a witness's sworn testimony presented before the local board that was subject to cross examination. This testimony may be rebutted by competent testimony presented at the hearing held by the director.

² The record closed on December 12, 2014.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant to R.I. Gen. § 3-5-1 *et seq.*, R.I. Gen. Laws § 3-7-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

III. ISSUES

Whether to uphold or overturn Providence's decision to revoke the Appellant's License.

IV. MATERIAL FACTS AND TESTIMONY

At the Board hearing, Claire Clendenen testified on behalf of the City. She testified that she is 20 years old and on September 4, 2014 she went to the Appellant's and showed her Providence College ("PC") identification card ("ID") and a fake ID to enter the Appellant's. She testified that her fake ID showed that she was over 21 years old and she showed it to a man at the door and he just looked at the ID. She testified she purchased alcohol in the form of two "Bud Lights," one for her and one for the friend whose birthday was being celebrated. She testified that she was with about ten (10) friends who were not 21 years old. She testified she was not a member or guest of a member of the Appellant's. On cross-examination, she testified that she had used the same fake ID at other Providence bars. On questioning from the Board, she testified that her friend was turning 20 years old. She testified that the police confiscated her fake ID. She testified that her friends are all under 21 years old and used fake ID's to enter the bar but she did not know if they bought their ID's from the popular website, IDChief, for fake ID's. She testified that she believed she was charged with underage drinking.

At the Board hearing, Lindsey DePippo testified on behalf of the City. She testified that she was 19 years old on September 4, 2014 and went to the Appellant's and upon entering, she was asked to show an ID and she showed a fake ID and her PC ID which only has the class graduation year and not the date of birth. She testified that she bought a mixed drink. She testified that she was there with about ten (10) friends who were all under 21 years old. She testified that she was not a member or a guest of a member of the Appellant's. She testified that she was charged with "possession of alcohol underage" and in exchange for testifying, the charges will be dropped but this did not affect her testimony. On cross-examination, she testified that she used the same fake ID to get into other City bars.

At the Board hearing, Elizabeth Bedortha testified on behalf of the City. She testified that she turned 20 years old on September 4, 2014 and went to the Appellant's with friends and to enter the bar, she showed her PC ID which does not show her birth date on it and she was not asked for any other ID. She testified she did not personally purchase alcohol inside but did drink alcohol. She testified she was not a member or a guest of a member of the Appellant's. She testified she was charged with possession of alcohol by a minor and in exchange for her testimony, the charges will be dropped but that did not impact her testimony. On cross examination, she testified that she was with DiPippo and Clendenen and they showed ID's when entering but she did not. On questioning from the Board, she testified that Clendenen bought her a Bud Light since it was her birthday. She testified that she has used a fake ID at other City bars.

At the Board hearing, Detective Patrick Creamer ("Creamer), Providence Police Department, testified on behalf of the City. He testified that on the night of September 4,

2014, he went to Appellant's and he observed a woman who appeared to be under 21 years old at the bar and when she saw him, she looked away and put her Bud Light down. He testified he took custody of the Bud Light, asked the woman her age and for ID and asked the same of the other woman at the bar. He testified that the first woman gave him a PC ID and the second one provided a New York driver's license which showed she was under 21 years old. He testified that the PC ID did not have a birth date. He testified that the two (2) women told him they were under 21 years old and that they had other forms of ID which he seized. He testified that he reviewed the fake ID's and a way to check to see if an ID is fake is to bend the ID to see whether the laminate creases which is an indicator the ID is fake. He testified that when he bent both ID's, they snapped which is also an indicator that the ID's were fake.

At the Board hearing, Sergeant David Tejada testified on behalf of the City. He testified that on September 4, 2014, he was with Creamer at the Appellant's to perform a compliance check and he saw Bedortha put her beverage down. He testified that she looked too young to have a drink so he approached her and found out that she just turned 20 years old. He testified that Bedortha told him that she used her PC ID to get inside and she was waved in when she said it was her birthday but she gave him her fake ID's that she said she had not used that night. He testified that he collected a drink sample from Bedortha and that he sent his sample and the two (2) samples collected by Creamer from Clendenen and DePippo to the State Laboratory for testing which showed that all three (3) samples were alcohol.³

³ At the Department hearing, the parties stipulated that the tests showed the samples were alcohol. See City's Exhibit One (1) (certified record).

At the Board hearing, Serena Conley, City License Administrator and Registrar, testified on behalf of the City. She testified that the Appellant holds a Class D liquor license which is for a social club which is a membership club. She testified that for a social club to serve the public, the patron has to be a guest of a member of the social club.

Roberta Ricci, the Appellant's owner, testified on behalf of the Appellant. She testified that she attempted to obtain written permission from the Board to serve the public. She testified that at the Appellant's, two (2) people check the ID's using a scanner, a black light, a magnifying glass, an ID book, and by asking random questions of patrons. She testified that one of the underage patrons the night in question said that at least one the fake ID's came from IDChief so she looked it up and it provides high quality fake ID's.

On cross-examination, Ricci testified that she probably inquired about getting written permission to serve the public in the beginning of September when she got her License back. She testified that she was aware that the law requires written permission to serve the general public and she was told the Board would get back to her but it never has so she has not found out how to get permission. She testified that the staff member checking ID's that night requested two (2) forms of ID, one of which was a PC ID. She testified that the PC ID has the year of graduation on it. She testified that she does not know if she still has the video of the doorman checking ID's. She testified that she has a minor book but she thought everyone that night was of age so did not use it. She testified she re-opened on September 3, 2014, so it is crazy to think she would let everyone in.

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 Rhode Island Supreme Court has consistently held that the legislative intent must be considered. *Providence Journal Co. v. Rodgers*, 711 A.2d 1131, 1134 (R.I. 1998). The statutory provisions must be examined in their entirety and the meaning most consistent with the policies and purposes of the legislature must be effectuated. *Id.*

B. **The Appeal before the Department**

The hearing before the undersigned is a *de novo* hearing so that the parties start afresh during the appeal. See *A.J.C. Enterprises v. Pastore*, 473 A.2d 269 (R.I. 1984) (as the hearing is a *de novo* hearing rather than an appellate review of what occurred at the municipal level, any alleged error of law or fact committed by the municipal agency is of no consequence); *Hallene v. Smith*, 201 A.2d 921 (R.I. 1964); and *Cesaroni v. Smith*, 202 A.2d 292 (R.I. 1964) (Department’s jurisdiction is *de novo* and the Department independently exercises the licensing function). The proceeding before the Department

is considered a *de novo* hearing. The outcome of an appeal is a decision whether to uphold, overturn, or modify a licensing board's decision. Thus, this appeal is not bound by the Board's reasons for suspension or revocation but whether the Board presented its case for suspension or revocation before the undersigned. The undersigned will make her findings on the basis of the evidence before her and determine whether that evidence justifies said revocation.

The Department reviews sanctions to ensure statewide consistency and appropriateness in the situation. It also supports progressive discipline barring the rare and extreme event where revocation may be warranted without prior discipline. It also accepts the principles of comity and deference to the local authorities and their desire to have control over their own town or city. At the same time, pursuant to R.I. Gen. Laws § 3-2-2 and R.I. Gen. Laws § 3-7-21, the Department ensures that tensions between local boards and licensees are settled in a consistent manner. Nonetheless, there is not a mechanical application of sanctions as each matter has its own sets of circumstances. See *C&L Lounge, Inc. d/b/a Gabby's Bar and Grille; Gabriel L. Lopes v. Town of North Providence*, LCA – NP-98-17 (4/30/99). Finally, a sanction cannot be arbitrary and capricious. The unevenness of the application of a sanction does not render its application unwarranted in law but excessive variance would be evidence that an action was arbitrary and capricious. *Pakse Market Corp. v. McConaghy*, 2003 WL 1880122 (R.I. Super.) (upholding revocation for a series on infractions). See *Jake and Ella's* (R.I. Super.) (overturning a revocation of a liquor license as arbitrary and capricious).

An appeal proceeding held pursuant to R.I. Gen. Laws § 3-7-21 is considered a civil proceeding. See *Board of License Commissioners of Tiverton v. Pastore*, 463 A.2d

161 (R.I. 1983). In civil proceedings, unless otherwise specified, the burden of proof generally needed for moving parties to prevail is a fair preponderance of the evidence. *Jackson Furniture Co. v Lieberman*, 14 A.2d 27 (R.I. 1940). See also *Parenti v. McConaghy*, 2006 WL 1314255 (R.I.Super.); and *Manny's Café, Inc. v. Tiverton Board of Commissioners*, LCA TI-97-16 (11/10/97) (Department decision discusses burden of proof for proceedings held pursuant to R.I. Gen. Laws § 3-7-21).

C. Arguments

a. Appellant's

The Appellant argued that the testimony at hearing was that two (2) of the underage patrons used fake ID's to enter the Appellant's. The Appellant argued that it is inconceivable that the Appellant would allow in underage drinkers just two (2) days after being allowed to re-open because of a suspension of License for underage drinking. The Appellant argued that the City would not put the fake ID's in evidence before the Board. The Appellant argued that if the fake ID's were presented and they did not pass muster and failed the scanning and UV light tests, it would show that the Appellant failed in its duty. However, if the fake ID passed the UV light and scanner, the Appellant argued when does it end since there are no statutory or regulatory requirements that specifically state what one has to do when checking ID's. The Appellant argued that the City is putting a heavy burden on liquor licensees that even when the fake ID's are high quality, the licensee will be closed down. Finally, the Appellant argued that it continually requested to be granted permission to serve the public as a Class D licensee but never received an answer. The Appellant argued that this is not a revocation case due to the mitigating circumstances.

b. The City's

The City argued that the Appellant has a long history of violations for underage patrons with the latest suspension being an accumulated suspension of 113 days with the last suspension being for 60 days. The City argued that within two (2) days of the Appellant re-opening, it served underage patrons and fake ID's are not a defense to underage service. The City argued that the reason that fake ID's are not a defense is that one cannot evaluate or pick and choose which is the better fake ID. The City argued that the defense for serving underage patrons is using the minor book which was not being used. In addition, the City argued that pursuant to R.I. Gen. Laws § 3-7-11, a Class D licensee is required to have written permission to serve the public and the Appellant had not received such permission so was in violation of said statute and knew it was in violation. The City argued that the three (3) underage patrons were not members or guests of the club and were not aware of such a status when questioned at hearing. The City argued that the Appellant's last underage violation resulted in a 60 day suspension so this violation merits a revocation.

In response, the Appellant argued that the recent decision for this Appellant, *Eagle Social Club d/b/a Ava's Wrath v. The City of Providence, Board of Licenses*, DBR No. 14LQ021, DBR No. 14LQ026 (9/2/14) ("September Decision"), the Department found that the Appellant had not properly used the minor book but if the Appellant cannot use a minor book for every person when fake ID's are prevalent, how can the Appellant use a minor book. In response, the City argued that if a licensee puts everyone in the minor book rather than turning patrons away that would show a systemic problem of verifying ID's.

D. The Incident of September 4, 2014

The evidence showed that at least three (3) underage patrons entered the Appellant's the night of September 4, 2014 with two (2) of them using a fake ID. All three (3) of these underage patrons drank alcohol and two (2) of them purchased alcohol.

E. When Revocation of License is Justified

R.I. Gen. Laws § 3-5-21 states in part as follows:

Revocation or suspension of licenses – Fines for violating conditions of license. – (a) Every license is subject to revocation or suspension and a licensee is subject to fine by the board, body or official issuing the license, or by the department or by the division of taxation, 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 rule or regulation applicable, or for breach of any provisions of this section.

A liquor licensee has the “responsibility to control the conduct of its patrons both within and without the premises in a manner so that the laws and regulations to which the license is subject will not be violated.” *Schillers, Inc. v. Pastore*, 419 A. 2d 859, 859 (R.I. 1980). A liquor licensee is accountable for violations of law that occur on its premises and outside. *Vitali v. Smith*, 254 A.2d 766 (R.I. 1969). It is not a defense that a licensee is not aware of the violations or provided supervision to try to prevent violation. While such a responsibility may be onerous, a licensee is subject to such a burden by the legislature and accepted such conditions by becoming licensed. *Therault v. O’Dowd*, 223 A.2d 841 (R.I. 1966). See also *Schillers* and *Scialo v. Smith*, 99 R.I. 738 (R.I. 1965).

Nonetheless, the revocation of a liquor license is a relatively rare event and is reserved for a severe infraction or a series of smaller infractions that rise to a level of jeopardizing public safety. See *Stagebands, Inc. d/b/a Club Giza v. Department of Business Regulation*, 2009 WL 3328598 (R.I. Super.) (disturbances and a shooting on

one night justified revocation) and *Pakse Market Corp. v. McConaghy*, 2003 WL 1880122 (R.I. Super.) (upholding revocation of license when had four (4) incidents of underage sales within three (3) years). See also *Cardio Enterprises, d/b/a Comfort Zone Sports Bar v. Providence Board of Licenses*, DBR No.: 06-L-0207 (3/29/07) (killing of patron with incident starting inside and escalating outside justified revocation); *PAP Restaurant, Inc. v. d/b/a Tailgate's Grill and Bar v. Town of Smithfield, Board of License Commissioners*, DBR No.: 03-L-0019 (5/8/03) (series of infractions justified revocation).

F. What Defenses Are Available to the use of Fake ID's by Patrons

The fake ID's were not placed in evidence. The Appellant argued that the underage patrons used a website called IDChief to purchase high quality fake ID's. A review of the three (3) underage patrons' testimony shows that none of them actually testified that they used IDChief to procure their fake ID's used at the Appellant's. One testified that she was not aware if her friends used her website but that it was a popular website.⁴ Creamer's testimony was that the seized fake ID's snapped when bent which not only indicated they were fake but would also indicate that they were not of high quality. Despite there being scant evidence of the high quality of the fake ID's, this decision will discuss the applicability of the law to any kind or type of fake ID.

As discussed above, a liquor licensee is accountable for violations of law that occur on its premises and outside. It is not a defense that a licensee is not aware of the violations or provided supervision to try to prevent violation. While such a responsibility may be onerous, a licensee is subject to such a burden by the legislature and accepted such conditions by becoming licensed. Following from this high standard, there is no

⁴ Pursuant to *Arnold v. Lebel*, 941 A.2d 813 (R.I. 2007), the undersigned indicated to the parties that she might access the IDChief website. However, the undersigned did not access the website. Indeed, the issue of the website is irrelevant to the legal requirements as discussed in this decision.

provision in statute or regulation that a high quality fake ID is a defense to serving underage patrons. Undoubtedly, the general assembly would not want to open the floodgates to determining what would be an acceptable/defensible fake ID as compared to an obvious fake ID. Thus, there is no statutory or regulatory provision allowing that a high quality fake ID or any fake ID are a defense to serving underage patrons. See *Dacosta Liquors, Inc. v. City of Providence Board of Licenses*, DBR No. 14LQ038 (11/21/14).

Dacosta found that a liquor licensee has the burden to recognize fake ID's and if in doubt have the patron sign the minor book.⁵ The use of the minor book was brought up at this hearing in relation to the September Decision. At hearing for the September Decision, the Appellant's owner had testified to a blanket use of the minor book.

⁵ R.I. Gen. Laws § 3-8-6 provides in part as follows:

Unlawful drinking and misrepresentation by underage persons – Identification cards for persons twenty-one and older. – (a) It is unlawful for:

(1) A person who has not reached his or her twenty-first (21st) birthday to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her alcoholic beverages; or

(2) A person who has not reached his or her twenty-first (21st) birthday to consume any alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase, attempt to purchase, or have another purchase for him or her any alcoholic beverage; or

(c)(1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or photographic reproduction equipment which provides the same information as required by the book. That licensee and/or the licensee's employee shall require any person who has shown a document as set forth in this section substantiating his or her age to sign that book or to permit the taking of his or her photograph and indicate what document was presented. Use of the photographic reproduction equipment is voluntary for every Class A, B, C and D licensee.

(3) If a person whose age is in question signs the sign-in as minor book or has a photograph taken before he or she is sold any alcoholic beverage and it is later determined that the person had not reached his or her twenty-first (21st) birthday at the time of sale, it is considered prima facie evidence that the licensee and/or the licensee's agent or servant acted in good faith in selling any alcoholic beverage to the person producing the document as set forth in this section misrepresenting his or her age.

(4) Proof of good faith reliance on any misrepresentation is a defense to the prosecution of the licensee and/or the licensee's agent or servant for an alleged violation of this section.

However, the minor book is to be used when someone's age is in question and not for every patron. At this time, the Appellant was not even using the minor book which is required.⁶

As noted by the Rhode Island Supreme Court, liquor licensees have an onerous burden. See *Cesaroni* and *Scialo*. That burden includes defending against all kind of fake ID's whether of high or low quality.⁷

G. Other Violations

The Appellant holds a Class D license which requires written permission to serve the public pursuant to R.I. Gen. Laws § 3-7-11.⁸ The Appellant acknowledged its violation of the law by serving the public without written permission but argued that it

⁶ The statute provides that good faith reliance on the minor book when used for someone whose age in question can be used as a defense to a prosecution of a licensee or licensee's agent under "this section." See R.I. Gen. Laws § 3-8-6(d)(1) for prosecution provisions. This matter is liquor licensing matter and the Appellant was not using a minor book.

⁷ Along with the required minor book, a licensee may use a variety of methods to protect against fake ID's which could include though not would not be limited to, for example, requiring certain types of ID's or two (2) ID's both of which show a birth date (as opposed to a PC ID) as well as scanning, a UV light, ID book, etc. Nonetheless, it is a licensee's responsibility to develop safeguards against the serving of underage patrons.

⁸ R.I. Gen. Laws § 3-7-11 provides as follows

Class D license. – A retailer's Class D license shall be issued only to a club or to any corporation organized prior to the year 1900 for purposes similar to those set forth in chapter 6 of title 7, and which has held a Class D license for at least ten (10) consecutive years prior to July 1, 1993, and authorizes the holder of the license to keep for sale and to sell beverages at the place described at retail and to deliver those beverages for consumption on the premises where sold. The license authorizes the holder of the license to keep for sale and sell beverages, including beer in cans, at retail at the place described and to deliver those beverages for consumption on the premises. If a club is not the owner or, for the period of two (2) years before the filing of its application for a license, the lessee of the premises where its principal activities are carried on or of kitchen and dining room equipment in the club premises reasonably adequate to supply its members and guests with food, then the license shall authorize the holder of the license to keep for sale and sell malt and vinous beverages, but not beverages consisting in whole or in part of alcohol produced by distillation. Notwithstanding the provisions of this section, with the written permission of the local authority, the licensee may supply food and beverage to the public for consumption on the premises at times determined by the holder of the license. The annual fee for the license to sell beverages shall be not more than eight hundred dollars (\$800) and for the license to sell malt and vinous beverages only shall be not more than four hundred dollars (\$400), in each case prorated to the year ending December 1 in every calendar year determined by each local municipality; provided, further, a municipality may establish separate and lower annual fees for Class D licenses for veterans' halls with a capacity of not more than one hundred (100) persons.

tried but had not been able to obtain such permission. However, despite not receiving permission, the Appellant still served the public without written permission when such permission is a condition of licensing for serving the public.

H. Licensing History

The Appellant has violations going back to 2002 but more recently in 2010, the Appellant's License was suspended for two (2) days for underage sales. In 2011, an administrative penalty of \$1,000 was imposed for 2010 violations for two (2) underage sales, open bar, and happy hour. In 2012, an administrative penalties totaling \$1,100 were imposed for 2011 violations for underage sale and entertainment without a license. In 2013, an administrative penalty of \$1,000 was imposed for two (2) counts of underage sale and two (2) counts for underage possession. See certified record. The September Decision imposed an eight (8) day suspension on the Appellant for four (4) different incidents of underage drinking over a three (3) month period (January, February, March), a 45 day suspension for two (2) underage incidences, one March and one in April, and a 60 day suspension for underage drinking incident on May 9, 2014

I. What Sanction is Justified

Pakse upheld a revocation of class A liquor license when the liquor store had four (4) incidents of underage sales in less than three (3) years. The local licensing authority had imposed a two (2) day suspension for the first offense, four (4) days for the second offense, 15 days for the third offense, and revocation for the fourth offense. The local authority concluded that the progressive discipline was ineffective as the licensee had a fourth violation within two-and-a-half years. See also *Dacosta*.

In the September Decision, the Board chose to revoke the License after an eight (8) day suspension. Since, the Department upholds progressive discipline and waits to revoke a license for a series of infractions unless a violation is egregious, the Department in the September Decision reduced the revocation to 45 days in light of the close proximity in time to the prior incidents of underage drinking. The Department then imposed a 60 day suspension for the May 9, 2014 underage incident because it occurred such a short time after several underage violations

In this matter, the Appellant is arguing mitigation because of high quality fake ID's (despite there being evidence otherwise). However, the Appellant is responsible for the serving of underage patrons regardless of the type or quality of ID used by a patron. This is the fourth action for underage drinking taken against the Appellant but it is not the fourth incident as the eight (8) day suspension was for four (4) different underage incidences, the 45 day suspension was for two (2) underage incidences, and the 60 day suspension was for one (1) underage incident. Additionally, the Appellant served the public without the statutorily required written permission to do so. In light of progressive discipline being followed and this being the fourth underage action this year as well as the violation of the statutory requirements for public service, there was no showing by the Appellant to warrant overturning the revocation.

VI. FINDINGS OF FACT

1. On or about November 5, 2014, the Board notified the Appellant that its License had been revoked.
2. Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant appealed this decision to the Department.

3. By order dated November 13, 2014, the Department denied the Appellant's motion to stay the revocation.

4. The parties rested on the record at the Board and oral closings were heard on December 5, 2014 with the record closing on December 12, 2014.

5. The facts contained in Section IV and V are reincorporated by reference herein.

VII. CONCLUSIONS OF LAW

Based on the testimony and facts presented:

1. The Department has jurisdiction over this matter pursuant to R.I. Gen. § 3-5-1 *et seq.*, R.I. Gen. Laws § 3-7-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

2. The Appellant violated R.I. Gen. Laws § 3-5-21 (underage drinking).

3. The Appellant violated R.I. Gen. Laws § 3-7-11 (which also violates R.I. Gen. Laws § 3-5-21).

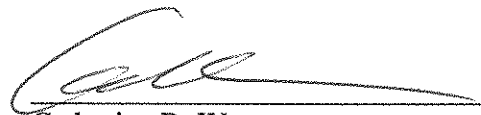
4. In this *de novo* hearing, no showing was made by the Appellant to overturn the revocation of License.

VIII. RECOMMENDATION

Based on the above analysis, the Hearing Officer recommends as follows:

Based on the above analysis, the Hearing Officer recommends that the decision of the Board revoking the Appellant's License be upheld.

Dated: 12/19/14

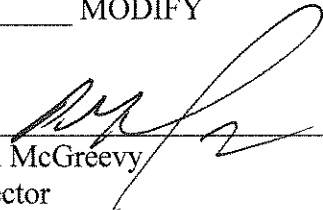

Catherine R. Warren
Hearing Officer

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: 23 Dec 2014



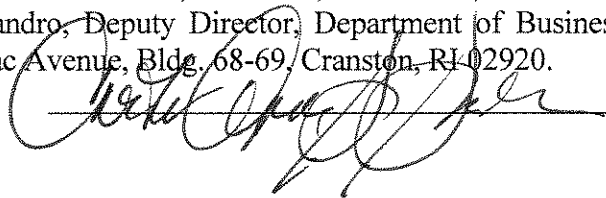
Paul McGreevy
Director

NOTICE OF APPELLATE RIGHTS

THIS DECISION CONSTITUTES A FINAL ORDER 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 on this 23rd day of December, 2014 that a copy of the within Decision was sent by first class mail, postage prepaid to Peter Petrarca, Esquire, Petrarca & Petrarca, 330 Silver Spring Street, Providence, RI 02904 and Mario Martone, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, RI 02903 and by hand delivery to Maria D'Allesandro, Deputy Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Bldg. 68-69, Cranston, RI 02920.



Maria D'Allesandro
Deputy Director