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

| | | |
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| **Moe's Place, Inc. d/b/a D'Noche Appellant,** | : | |
| **v.** | : | **DBR No.: 14LQ022** |
| **The City of Providence Board of Licenses, Appellee.** | : | |

# DECISION

## I. INTRODUCTION

On or about May 1, 2014, the Providence Board of Licenses ("Providence" or "Board" or "City") notified Moe's Place, Inc. d/b/a D'Noche ("Appellant" or "Moe's")[1] that its Class BX liquor license ("License") had been suspended for the period of six (6) days and ordering it to pay an administrative penalty of $4,000. Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant appealed this decision to the Director of the Department of Business Regulation ("Department").[2] Pursuant to

[1] The Appellant is located at 103 Plainfield Street, Providence, Rhode Island.

[2] By order dated May 8, 2014, the Department stayed the suspension of License but not the administrative penalty. The May 1, 2014 Board decision references that it is a suspension of all licenses. However, the appeal to the Department only relates to any liquor licenses held by the Appellant. This issue arose at oral argument before the undersigned as the Board argued that the Department only had the right to hear the appeal of the first and second violations found by the Board (May 1, 2014 decision) as the third, fourth, and fifth violations related to the Appellant's other licenses. The Appellant disagreed. However, the Department only has jurisdiction to hear appeals related to liquor licenses. Thus, the Department does not have jurisdiction over the suspension of a victualing license, etc. See *El Nido v. Goldstein*, 626 A.2d 239 (R.I. 1993) (victualing license is a separate and distinct license from a liquor license). The Appellant has other avenues of appeal for its other licenses. This appeal only relates to the Department's jurisdiction over liquor licensing so it only relates to the Appellant's appeal of sanctions on its BX liquor license.

R.I. Gen. Laws § 3-7-21(c),[3] the parties agreed to base the appeal on the record before the Board. Oral closings were held on June 3, 2014 with the parties resting on the record.[4]

## 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 suspend the Appellant's License and impose an administrative penalty.

## IV. MATERIAL FACTS AND TESTIMONY[5]

Sergeant Scott McGreggor ("McGreggor"), Providence Police Department ("PPD"), testified on behalf of the Board. He testified that he was on car duty on February 17, 2014 and responded to the Appellant's because of a call of shots fired. He testified that he spoke with another patrol officer and the Appellant's bouncer, Marvin Diaz ("Diaz"). He testified that they found some blood drops in the street and asked Diaz what happened and Diaz said that a dark colored four-door vehicle had driven by and someone in the driver's seat fired some rounds. He testified that Diaz directed them to an overpass down the street but that nothing was found there but that they eventually found five (5) shell casings with blood around them across the street from the Appellant's. He testified that Detective Cute arrived and they spoke again to Diaz who told them that several men had a verbal altercation in the club and he (Diaz) escorted them out

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[3] 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.

[4] The undersigned received the transcript of the closing on June 11, 2014.

[5] The testimony is from the hearing held before the Board on April 3, 2014.

and several minutes later, he (Diaz) heard the shots being fired. McGreggor testified the blood and casings were close to the club and not in the area that Diaz directed the police to look. On cross-examination, he testified that Diaz either used the phrase "verbal altercation" or "arguing."

Detective Matthew Cute ("Cute"), PPD, testified on behalf of the Board. He testified he responded to Appellant's because there was a report of shots fired outside. He testified that he spoke to Diaz who told him there was a fight inside the club and the participants were ejected and a short time later, a dark colored sedan drove by and fired three (3) rounds out of the driver's window. On cross-examination, he testified that no link had been established between the Appellant's patrons and the people who fired the shots from the car.

Patrol Officer Allen Kanelopoulos ("Kanelopoulos"), PPD, testified on behalf of the Board. He testified that he responded on February 17, 2014 to the Appellant's for shots being fired and a fight outside. He testified that he saw the shell casings and blood on the ground. He testified he spoke to Diaz who said there was a fight between some Hispanic men inside the club so that they were ejected from the club and a black Camry came down the street with Hispanic men inside and the driver fired several shots. He testified that the police also received a call from a street very near the Appellant's that two (2) Hispanic men had asked to use a telephone because they had been shot at; however, when the police went to investigate, nothing was found. He testified that Diaz said that there was fighting inside and continued outside which is why the original call to dispatch said there was a fight outside.

On cross-examination, Kanelopoulos testified that has been no indication that the people that fired the shots had anything to do with the fight in the club. He also testified that no arrests were made and no victims were ever identified of the shooting and that Diaz said that the driver shot the gun in the air.

Sergeant Khristopher Poplaski, PPD, testified on behalf of the Board. He testified that on February 19, 2014, he drove by the Appellant's and saw (2) subjects outside the Appellant's front door having what appeared to be heated conversation with the bouncer, Diaz. He testified that he got out of his car and spoke to Diaz and the subjects and Diaz told him that the subjects had been inside the club fighting and causing a disturbance so that he was trying to disperse them but they were trying to regain entry to the club. He testified that that the two (2) subjects would not leave so were arrested for disorderly conduct. On cross-examination, he testified that the two (2) subjects were trying to regain entry to the club so he and Diaz worked to stop them. He testified that he observed the two (2) subjects and Diaz and approached them.

Marvin Diaz testified on behalf of the Board. He testified he had been working for the Appellant for four (4) months and he is licensed as a bouncer with the City of Providence. He testified on February 17, 2014, he was outside because it was closing time and they were getting people out of the club. He testified when he was outside, a black car, a Camry or Avalon, came up the street and he heard some shots fired and everyone jumped. He testified that he did not know where the shots came from and did not see a gun. He testified that there were no disturbance inside the club and he never told the police there was a disturbance in the club. He testified that he tried to fix the police report at the station that contained his statement that there had been a fight since there was no fight and no one was pushed out of the club. He testified that for the other incident (February 19), two (2) men came into the club and he allowed them to use the bathroom and then they started arguing whether they should stay for a drink or not and he got them out of the club because they were intoxicated. He testified that the police officer saw the two (2) men and asked what was going on and he said that the men were drunk and would not go and the men started acting stupid so they got locked up.

## V. DISCUSSION

### A. 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). See also *Hallene v. Smith*, 201 A.2d 921 (R.I. 1964); *Cesaroni v. Smith*, 202 A.2d 292 (R.I. 1964). Thus, while there was not a new hearing before the Department, 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. Therefore, this appeal is not bound by the Board's reasons for revocation but whether the Board presented its case for 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). At the same time, 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 v. Department of Business Regulation*, 2002 WL 977812 (R.I. Super.) (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). See also *Scialo v. Smith*, 210 A.2d 595 (R.I. 1965). 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).

### B. Relevant Statutes and Causes for Suspension

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.

#### i. Disorderly Conduct Statute and Relevant Cases

R.I. Gen. Laws § 3-5-23 states in part as follows:

> (b) If any licensed person permits the house or place where he or she is licensed to sell beverages under the provisions of this title to become disorderly as to annoy and disturb the persons inhabiting or residing in the neighborhood . . . he or she may be summoned before the board, body, or official which issued his or

her license and before the department, when he or she and the witnesses for and against him or her may be heard. If it appears to the satisfaction of the board, body, or official hearing the charges that the licensee has violated any of the provisions of this title or has permitted any of the things listed in this section, then the board, body, or official may suspend or revoke the license or enter another order.

In suspending a liquor license, it is not necessary to find that a liquor licensee affirmatively permitted patrons to engage in disorderly conduct. Rather, the Rhode Island Supreme Court held in *Cesaroni v. Smith,* 210 A.2d 292, 295-296 (R.I. 1964) as follows:

> [T]he legislature, in enacting the pertinent provision of the statute, intended to impose upon such licensee the obligation to maintain an efficient and affirmative supervision over the conduct of his patrons in his place to such an extent as is necessary to maintain order therein. It is our opinion that as a practical matter a licensee assumes an obligation to affirmatively supervise the conduct of his patrons so as to preclude the generation therefrom of conditions in the neighborhood of like character to conditions that would result from maintenance of a nuisance therein.
>
> It is to be conceded that this imposes upon a licensee an onerous burden in the management of the licensed premises. It is, however, within the authority of the legislature, the liquor traffic being peculiarly within the police power of the state. Furthermore, a licensee is responsible for acts inside and outside of its premises.

The Rhode Island Supreme Court held in *Furtado, Inc. v. Sarkas*, 373 A.2d 169, 172 (R.I. 1977) as follows:

> The petitioner contends that in order to support a finding that the premises had become disorderly in violation of § 3-5-23, there must be evidence of disorderly conduct within the building, and that this record is devoid of such evidence. We find no merit in this argument. . . . We are of the opinion that the evidence and the reasonable inferences therefrom support the trial justice's finding that these disturbances commenced within the licensed premises and spilled out onto the sidewalk. Furthermore, this court has previously stated that under § 3-5-23, as a practical matter, a licensee assumes an obligation to affirmatively supervise the conduct of his patrons so as to preclude the generation therefrom of a condition of nuisance in the surrounding neighborhood. (citation to *Cesaroni*).

Thus, 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 (R.I. 1980).

**C. Arguments**

The Appellant argued that the evidence for February 19, 2014 is that Officer Poplaski drove by and saw two (2) men outside arguing with the bouncer and the bouncer had let the two (2) men use the bathroom but while they were intoxicated, they did not drink at the club and the bouncer escorted them outside where they became belligerent. The Appellant argued that there was no incident within the club that caused the intoxicated men's refusal outside to leave. The Appellant argued that for February 17, 2014, the evidence from Diaz was that there was never a fight inside the club but rather Officer Kanelopoulos added that claim to his testimony when in fact he had responded to shots fired outside the club. The Appellant argued that Diaz was outside because it was closing time so he was dispersing patrons and there is no proof that the shots fired outside the club were related to events inside the club. The Appellant argued that the PPD never connected anything happening at the club with the shots being fired. Finally, the Appellant argued that there is no evidence to find that the club should be closed or fined.

The Board argued that for the February 17 incidence, the three (3) police officers testified that they all responded to shots being fired and spoke to Diaz who directed them down the street but then they found shell casings and blood in front of the club and then Diaz changed his story and said that there had been a fight in the club which was pushed outside and then the car drove by and shots were fired. The Board argued that Diaz described the fight as between Hispanic men and the men in the car as Hispanic but that Diaz did not place the occupants of the car in the club. However, the Board argued that even if a connection is not made between the fight in the

club and the shots being fired, there is still a violation for the disturbance in the club. The Board argued that Diaz's testimony about not making a statement to the police and then going to the police station to change his statement was illogical and his testimony about what he saw and did not see what confusing and inconsistent. The Board argued that for the February 19 incident Diaz told the police there was a fight inside the club but then changed his story at hearing but did admit that the two (2) men were fighting outside for which the club is responsible. The Board argued that Diaz was testifiying in front of his employer at the hearing and less weight should be given to that testimony than what he told the police. The Board argued that a licensee need not have personal knowledge of disorderly conduct but rather just fail in its obligation to affirmatively supervise the business. The Board argued that in light of the Appellant's past discipline, these sanctions are appropriate.

**D. Whether the Appellant Violated R.I. Gen. Laws § 3-5-23**

**a. February 17, 2014**

Three (3) police officers testified that Diaz reluctantly told them that there had been a verbal altercation or fight inside the club that night. Diaz testified at hearing that there was never a fight in the club and he never told the police that and he tried to change his statement at the police station. However, Diaz was not as credible in his testimony at hearing where there was more at stake (suspension of license) than speaking to the officers in the heat of the moment (after the shooting). The evidence demonstrated that there was an altercation – verbal or otherwise – that caused the patrons to be ejected. Pursuant to statute and case law, the Appellant permitted the disorderly conduct inside the club because the offending conduct was related to the actions of patrons for whom the Appellant had an affirmative duty to supervise. *Cesaroni.* On the basis of the evidence, the Appellant violated R.I. Gen. Laws § 3-5-23.

However, there was no evidence that the car driving by the Appellant's whose driver shot in the air was related to the Appellant's patrons or altercation inside Appellant's. The police did not identify a victim or any suspects. While the two (2) incidents happened close together in time, there was not enough evidence to make a finding that the shooting arose from a disturbance in the club. See *El Tiburon Sports, Inc. v. Providence Board of Licenses*, DBR No. 06-L-0087 (6/1/07).

**b. February 19, 2014**

Diaz testified that he only let the two (2) men in the club to use the bathroom and then as they were drunk escorted them outside where they were belligerent. From *Cesaroni* in 1964 to *Schillers* in 1980 up until today, a liquor licensee is responsible for activities inside and outside its licensed premises. Whatever the reason the intoxicated men were let into the Appellant's (to drink; to use the restroom), a licensee is responsible for them and their belligerent conduct outside. Pursuant to statute and case law, the Appellant permitted the disorderly conduct because the offending conduct was related to the actions of patrons for whom the Appellant had an affirmative duty to supervise. *Cesaroni.* On the basis of the evidence, the Appellant violated R.I. Gen. Laws § 3-5-23.

**E. The Appropriate Sanction**

As discussed above, the Department has the power to reverse, uphold, or modify sanctions imposed by local licensing authorities. See *Hallene v. Smith*, 201 A.2d 921 (R.I. 1964); *Tedford v. Reynolds*, 87 R.I. 335 (1958). See also *In the Matter of El Tiburon Sports Bar.* The Department has a long line of Department cases regarding progressive discipline and upholding the same. *Pakse.* The progressive discipline imposed on a licensee depends on the violations and the circumstances of a licensee's violation(s).

The Department reviews sanctions issued at the local level to ensure they are just, reasonable, and consistent with prior sanctions. The Department does not expect that local authorities will apply a mechanical grid when imposing sanctions but expects that sanctions will be consistent with the reasons for the sanctions apparent to the public and licensee. Obviously, each matter has its own set of facts that need to be considered but sanctions should reflect reasons applied on a consistent basis. See *Café Renaissance v. City of Providence, Board of Licenses*, DBR No. LCA-PR-05-02 (1/4/07).

Based on its licensing history (see record), the Appellant's License was suspended on January 17, 2013 for five (5) days for creating a nuisance and was suspended on November 4, 2013 for seven (7) days for overcapacity, operating business while corporation revoked, advertising drinks special, entertainment without a license, and a disturbance.

The sanctions imposed for R.I. Gen. Laws § 3-5-23 vary depending on the type of disorderly conduct. Very serious and egregious violations that involve weapons and/or serious assaults could result in a revocation of license. E.g. *Cardio Enterprises d/b/a Comfort Zone Sports Bar v. Providence Board of Licenses*, DBR No.: 06-L-0207 (3/29/07) (license revoked for shooting that arose at bar). A long suspension may be imposed for severe disorderly conduct. E.g. *C & L Lounge, Inc. d/b/a Gabby's Bar and Grill; Gabriel Lopes v. Town of North Providence*, LCA-NP-98-17 (4/30/99) (thirty (30) day suspension for severe disorderly conduct but not so severe as to merit revocation).

The violation in this matter does not reach the severe and egregious level described above. In *JJAM Sports, Inc. d/b/a LaCabana Night Club Sports Bar and Grille, Inc. v. Lincoln Board of License Commissioners*, LCA-LI-99-05 (12/27/99), the Department uphold a two (2) day suspension for a fight inside the bar and a second fight outside in the parking lot with the

patrons refusing to leave and police (including from the adjoining community) being called to clear the patrons and a police officer had a beer bottle thrown at him. Two (2) day suspensions were also issued in other similar matters. See *In Re Great American Pub, Inc. v. City of Newport*, LCA-NE-96-17 (9/26/96) (two (2) day suspension and $1,000 fine for exceeding the capacity limit to a moderate degree); *Hamel Enterprises, Inc. v. City of Woonsocket Board of License Commissioners*, LCA-WO-94-28 (3/15/95) (Class A license two (2) day suspension with no prior violations for selling alcohol for off-premise consumption at a Class B establishment).

As there was no evidence that the shooting was linked to the disturbance at the club as was found by the Board, it is appropriate to reduce the suspension. At the same time, the Appellant has had recent License suspensions for nuisance and disorderly conduct so that these violations are not "first" time offenses. Since these are not first time offenses, the penalty is not reduced as much as it would be if this was a first time offense. As the undersigned has found that the Appellant failed to supervise patrons so as to allow disorderly conduct, the suspension is hereby reduced to three (3) days to start on the 31st day after the execution of this decision.

**F. Administrative Penalties**

The Appellant raised the issue of the fine imposed by the Board. Pursuant to R.I. Gen. Laws § 3-7-21, the Department does not have authority to hear appeals of fines. However, the Superior Court found that the Department has implied jurisdiction to review administrative fines imposed by local boards pursuant to R.I. Gen. Laws § 3-5-21. See *The Rack, Inc. d/b/a Smoke v. Providence Board of Licenses*, et al. CA No. PC 2011-5909 (7/22/13). The Court found that the Department did not have to apply a *de novo* standard of review to appeals of administrative fines but that the Department must review the record and articulate and document a substantial, non-arbitrary rationale for invoking its discretion to dismiss appeals of fines imposed by local licensing boards

and that the exercise of such discretion must be reasonable. The Court further found that if the monetary fine imposed on a licensee by a local liquor licensing board is within statewide limits set by statute then such a finding by the Department may be sufficient basis for the Department to dismiss a licensee's appeal. *Id.* at pp. 14-17.

R.I. Gen. Laws § 3-5-21(b)[6] provides that a first offense by a liquor licensee shall be fined $500 with the fine for each subsequent offence not to exceed $1,000. R.I. Gen. Laws § 3-5-21 establishes minimum fines for violations. Thus, the first offense is for any offense of the liquor licensing law and the subsequent offense is for any subsequent offense of the liquor licensing laws rather than pinpointing whether the violation is the first or subsequent offence of a specific statutory or regulatory violation. This interpretation is supported by the fact that the statute provides for a clean slate for all offenses if the licensee has not had any offenses for three (3) years. In other words, the first offense of the liquor statute cannot be fined more than $500 with each subsequent offense of the liquor licensing law not being fined more than $1,000 but if the licensee has no offenses for three (3) years, the clock is re-set and any violation would be considered a first offense.

Along with suspensions, the Appellant's licensing history show that it was fined $1,500 on January 17, 2013, $1,250 on October 9, 2013, and $300 on February 13, 2014. The evidence is that the Appellant has had various offenses for which administrative penalties (and suspensions) were imposed within three (3) years prior to this incident. By the Board's own arguments at hearing only the first and second violations of the May 1, 2014 Board decision apply to the Appellant's liquor

[6] R.I. Gen. Laws § 3-5-21(b) states as follows:

> (b) Any fine imposed pursuant to this section shall not exceed five hundred dollars ($500) for the first offense and shall not exceed one thousand dollars ($1,000) for each subsequent offense. For the purposes of this section, any offense committed by a licensee three (3) years after a previous offense shall be considered a first offense.

license. Therefore, the only penalties that can attach to the Appellant's liquor license are $1,000 per violation (subsequent offenses) so that the $4,000 administrative penalty is reduced to $2,000.[7]

## VI. FINDINGS OF FACT

1. On or about May 1, 2014, the Board notified the Appellant that its License had been suspended for six (6) days and an administrative penalty of $4,000 imposed.

2. Pursuant to R.I. Gen. Laws § 3-7-21 and R.I. Gen. Laws § 3-5-21, the Appellant appealed this decision to the Director of the Department.

3. Pursuant to R.I. Gen. Laws § 3-7-21(c), the parties agreed to base the appeal on the record before the Board.

4. Oral closings were held on June 3, 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 § 3-5-23.

## VIII. RECOMMENDATION

Based on the above analysis, the Hearing Officer recommends that the decision of the Board suspending Appellant's License for six (6) days be reduced to three (3) days to start on the 31st day after the execution of this decision and that the administrative penalty of $4,000 be reduced to $2,000.

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[7] The Board may have imposed part of the administrative penalties for other licensing violations it found the Appellant committed. However, as the maximum administrative penalty for the two (2) liquor license violations is $2,000, the $4,000 penalty is reduced to $2,000 as the apportionment of the administrative penalty is unclear.

Dated: June 24, 2014

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: 24 June 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 24th day of June, 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 Sergio Spaziano, 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.