

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

IN THE MATTER OF: :
 :
GRAPES AND GRAINS, INC. : DBR No.: 14LQ050
 :
RESPONDENT. :

CONSENT AGREEMENT

The Division of Commercial Licensing (“Division”) of the Rhode Island Department of Business Regulation (“Department”) enters into this Consent Agreement (“Agreement”) with Grapes and Grains, Inc. (“Respondent”) to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondent that:

1. Respondent holds a Class A license for the retail sale of alcoholic beverages pursuant to R.I. Gen. Laws § 3-7-3.
2. R.I. Gen. Laws § 3-7-4.1 provides: “Sampling events may not be promoted except on the licensed premises.”
3. DBR Bulletin CL-LC-2009-1 provides: “Sampling or tasting events conducted by Class A retail liquor stores can only occur and be promoted inside the store’s premises and these guidelines apply to all print, broadcast, and internet promotions.”
4. The Department is in receipt of a photocopy of a print advertisement that promotes wine and beer tastings, which was handed out at an event at Mount Hope Farm.

5. The Department accessed the Respondent's website on September 4, 2014 and September 29, 2014 and the website promoted wine and beer tastings.
6. R.I. Gen. Laws § 3-5-21 reads, in relevant part:

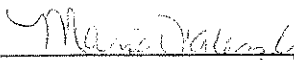
§ 3-5-21 Revocation or suspension of licenses — Fines for violating conditions of license. —

(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.

(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.
7. Respondent previously signed a Consent Agreement on August 15, 2014 in which he agreed to pay a penalty of \$250.00 for promoting alcohol tastings off the premises.
8. Based on the foregoing, the Department has sufficient cause to impose an administrative penalty pursuant to § 3-5-21.
9. Respondent represented that it removed the subject advertising from its website and reprinted its print advertising without the subject advertising.
10. Respondent represented that it conducted staff training on compliance with Title 3.
11. In an effort to amicably resolve the above-referenced violations without necessitating a hearing, Respondent agrees to the following:
 - A. Respondent understands that the Department is charged with protecting the public by ensuring its Licensees are competent and trustworthy and are reasonably familiar with the statutes and laws relating to alcohol sales.

- 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 may result in the suspension or revocation of Respondent’s license.
- D. Respondent shall pay a fine in the amount of \$400.00, by check or money order, payable to the Rhode Island General Treasurer.
12. Respondent voluntarily waives any right to an administrative hearing and appeal to Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
13. If Respondent fails to abide by the requirements of this Consent Agreement, the Department may initiate further administrative proceedings against the Respondent.

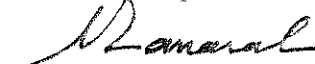
For the Division:



Signature
Date: 12/12/14

Maria D’Alessandro, Esq.
Deputy Director, Securities, Commercial
Licensing and Racing and Athletics

For the Respondent:



Signature
Date: 12/12/14

Matthew Amaral
President
Grapes and Grains, Inc.