

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

IN THE MATTER OF:

Rene Garcia,

Respondent.

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DBR No.: 10-L-0195

DEFAULT JUDGMENT REGARDING DENIAL OF LICENSE APPLICATION

The above-entitled matter came for a pre-hearing conference on January 11, 2011 pursuant to the Department of Business Regulation's ("Department") Order to Show Cause Why License Application Should Not be Denied, Notice of Hearing and Appointment of Hearing Officer ("Order to Show Cause") issued by the Department on December 28, 2010 to Rene Garcia ("Respondent"). At the pre-hearing conference, the issues were clarified and the matter scheduled for hearing. The hearing date was continued twice at the request of Respondent. This matter then came for hearing on May 3, 2011 at which time the Respondent did not appear. The Respondent was notified of the hearing and failed to contact the undersigned or the Department's counsel. At hearing, the Department's counsel presented testimony and requested that the undersigned make findings of facts on the basis of the Order to Show Cause and enter a default judgment against Respondent denying his application for a license ("License") as a Cage Supervisor at Twin River, Lincoln, R.I. Pursuant to R.I. Gen. Laws § 41-1-1 *et seq.* and R.I. Gen. Laws § 41-4-9.1, the Department has jurisdiction over this matter.

The Department submitted four (4) exhibits **under seal** regarding this matter: the

Respondent's application for License, his waiver for the Division of Lotteries ("Division") to conduct a background check, a September 23, 2010 credit check for the Respondent, and a January 25, 2011 credit check for the Respondent. See Department's Exhibits One (1) through Four (4). The Department argued the Respondent applied for a license that has oversight over money and based on the information received by the Division's background investigation [See R.I. Gen. Laws § 41-9.1-1 *et seq.*], there was cause to deny the License application based on the Division's internal Regulation § 3.85 that provides that an applicant's financial distress is a cause to deny License application.

David Malkasian, Security Manager, Division of Lotteries, testified on behalf of the Department. He testified that the Division provides regulatory oversight of Twin River. He testified that based on the information received by the Division in its investigation of the Respondent, the Respondent fell under the Division's Regulation § 3.85 so that the License application should be denied.

William DeLuca, Administrator of Real Estate for the Department, testified on behalf of the Department. He testified that his duties include the review of all racing and athletics license applications and that he agreed with the Division's conclusion to deny the license on the basis of the Division's Regulation § 3.85.

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure in Administrative Hearings* ("CMR2"), the Respondent is declared to be in default for failing to appear at the hearing.

2. Pursuant to Section 21 of the CMR2, the allegations in the Order to Show Cause are found to be true.

3. The Respondent falls under the provisions of the Division's Regulation § 3.85.

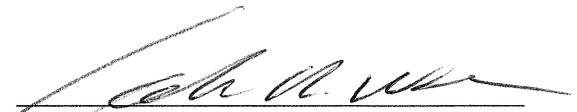
Based on the forgoing, the undersigned makes the following conclusions of law:

1. The Respondent has not met the conditions of licensing pursuant to R.I. Gen. Laws § 41-1-1 *et seq.* and the Division's Regulation § 3.85.

On the basis of the forgoing, the undersigned makes the following recommendation:

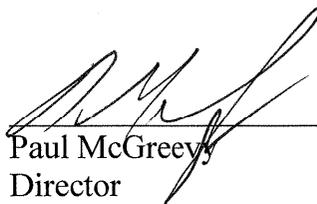
1. That the Respondent's License application be denied.

Entered this 11th day of May, 2011.


Catherine R. Warren
Hearing Officer

I have read the Hearing Officer's recommendation in this matter and I hereby ADOPT/REJECT the findings of facts, the conclusions of law, and recommendation of the hearing officer in the above entitled Final Order.

Dated: 18th May 2011


Paul McGreevy
Director

Entered as Administrative Order No. 11-L- 043 on this 19th day of May, 2011.

NOTICE OF APPELLATE RIGHTS

THIS ORDER 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

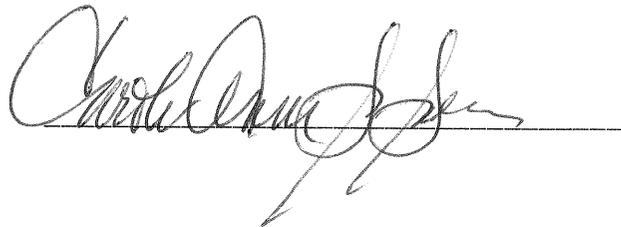
I hereby certify that on this 19th day of May, 2011, that a copy of the within Order was sent by first class mail, postage prepaid and certified mail to –

Mr. Rene Garcia
4 Holly Street
PO Box 269
Onset, MA 02558

and by electronic delivery to –

Neena Sinha Savage, Esquire
Maria D'Alessandro, Deputy Director
William DeLuca, Administrator – Real Estate
Department of Business Regulation
Pastore Complex
1511 Pontiac Avenue
Cranston, RI.

Marilyn Shannon McConaghy, Esquire
David Malkasian, Security Manager
Division of Lotteries
1425 Pontiac Avenue
Cranston, RI 02920

A handwritten signature in black ink, appearing to read "Charles A. DeLuca", is written over a horizontal line.