

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:

DBR No.: 20LQ007

TAPPED SUNSET, LLC

CONSENT AGREEMENT

The Division of Commercial Licensing (“Division”) of the Rhode Island Department Regulation (“Department”) enters into this Consent Agreement with Tapped Sunset, LLC d/b/a Tapped Apple (“Respondent”) pursuant to its authority under R.I. Gen. Laws § 42-35-9(d) to resolve this matter. **It is hereby agreed:**

1. Tapped Apple operates a farmer-winery business holding two farmer-winery licenses, one per manufacturing location, both of which are in Westerly, Rhode Island. The original location licensed is 37 High Street; the second location is 89 Tom Harvey Road.¹ The farmer-winery licenses is a type of manufacturer license issued by the Department under R.I. Gen. Laws § 3-6-1.1.
2. During the routine inspection for licensing of the second location, it came to the Department’s attention that Tapped Apple held a Class C license issued by the Town of Westerly for its original location.

¹ Tapped Apple followed the proper procedure for applying for a license for the second location after the Department became aware that Tapped Apple started operating at a second location without first applying for and receiving a license. R.I. Gen. Laws § 3-5-9 provides that “every license shall particularly describe the place where the rights under the license are to be exercised and beverages shall not be manufactured or kept for sale or sold by any licensee except at the place described in his or her license.” R.I. Gen. Laws § 3-5-17 provides a specific process for applying for a license to conduct liquor activity at a new location.

JHW
4/30/2020

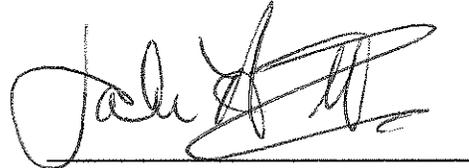
3. R.I. Gen. Laws § 3-7-22(a) provides: “Except as otherwise provided, it shall be unlawful for any holder of a manufacturer's or wholesaler's license to have any direct or indirect interest in any retailer's license or in the business carried on under a retailer's license.”²
4. R.I. Gen. Laws § 3-5-21(a)(4) provides that “[e]very license is subject to revocation or suspension and a licensee is subject to fine” for “breach of any provisions of this chapter.”
5. Tapped Apple surrendered its Class C license to the Town of Westerly on April 9, 2020.
6. This agreement shall not be construed to protect Tapped Apple from further enforcement action by the Department for any past activity which Tapped has not disclosed to the Department with full and accurate details.
7. If Tapped Apple fails to abide by the terms of this agreement and/or engages in future activity that does not comply with Title 3 and/or the Regulations, the Department will take enforcement action, including without limitation appropriate agency-level evidentiary hearings and/or court action.

For the Division:



Date: 4/16/2020
Pamela J. Toro, Esq.
Associate Director

For the Respondent:



Date: 4/30/2020
John Weidenheft

² Continuing: “If by operation of law the holder of a manufacturer's or wholesaler's license acquires an interest in a retailer's license, or in the business carried on under a retailer's license, he or she shall within thirty (30) days after acquiring that interest report the interest to the department and shall dispose of that interest in accordance with the directions of the department. Any person willfully violating the provisions of this section shall forfeit his or her manufacturer's license and his or her interest in the retailer's license.”