STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDG. 69-2
CRANSTON, RHODE ISLAND 02920

In the Matter of:	:	
Heneault & Co., LLC	:	**DBR No.: 21OCR015**
Respondent.	:	

DECISION

I. INTRODUCTION

This matter arose pursuant to an Order to Show Cause Why Respondent's Medical Marijuana Cultivator Renewal Application Should not be Denied and Why Respondent's Medical Marijuana Cultivator License should not be Revoked ("Order to Show Cause") issued by the Department of Business Regulation ("Department") to Heneault & Co., LLC ("Respondent") on October 5, 2021. Pursuant to R.I. Gen. Laws § 21-28.6-1 *et seq.* and the *Rules and Regulations Related to the Medical Marijuana Program Administered by the Office of Cannabis Regulation at the Department of Business Regulation*, 230-RICR-80-05-1 ("Regulation"), the Respondent holds a medical marijuana cultivator license ("License"). The parties agreed that this matter could be decided on an agreed statement of facts and exhibits, and briefs. The parties were represented by counsel and briefs were timely filed by April 22, 2022.

II. JURISDICTION

The administrative hearing was held pursuant to R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 21-28.6-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, the Regulation, and 230-RICR-10-00-2 *Rules of Procedure for Administrative Hearings.*

III. ISSUE

Whether the Respondent's Marijuana Cultivator Renewal Application Should be Denied and/or Respondent's Marijuana Cultivator License be revoked.

IV. MATERIAL FACTS

The parties filed an agreed stipulation of facts ("ASOF")[1] and exhibits as follows:

1. On or about February 22, 2017, Respondent (then-known-as "Elle-Cie, LLC") submitted its Micro Class Medical Marijuana Cultivator Application ("Application"), Application Number MMP CV 0114, with a proposed facility location at 39 DeSoto Street in Providence ("Facility Premises").

2. On or about May 12, 2017, the Department issued to Respondent a Preliminary Approval Letter for its Medical Marijuana Cultivator License Application subject to the satisfaction of terms and conditions contained therein.

3. On or about July 11, 2017, the Department issued Respondent its Micro Class Medical Marijuana Cultivator License ("License").

4. Respondent successfully renewed its License in 2018, 2019, and 2020.

5. In November 2019, Respondent submitted requests to the Department for approval of: (A) a proposed name change to "Heneault & Co., LLC" and (B) a proposed change in ownership to make Ms. Cassandra D. Heneault Respondent's sole owner.

6. The requests identified in ¶ 5 were subsequently approved and Respondent began operating as "Heneault & Co., LLC."

7. On or about June 8, 2021, Ms. Cassandra D. Heneault informed the Department that Respondent's Facility Premises had been foreclosed upon for non-payment of taxes or fees owed to the City of Providence and that Respondent was being evicted from its Facility Premises.

8. Based upon public records, the Department became aware that Respondent's facility "was sold on May 16, 2019 for non-payment of taxes or fees by the City of Providence in the County of Providence by instrument dated July 3, 2019 and duly recorded on July 10, 2019 in Book 12413, Page 304 that more than one year from the date of said sale has elapsed and no redemption has been made . . . ." *Tax Reverted Realty v. Cassandra D. Heneault, Boscia Investment Associates LLC, and the City of Providence, PM-2020-04423*, Petition to Foreclose Tax Lien [Envelope 2619044].

[1] See pre-hearing stipulation filed on March 4, 2022.

9. Based upon public records, the Department became aware that the Court ordered "[t]he legal and equitable title to the property located at 39 De Soto Street, Providence, RI 02909 is hereby vested in the Petitioner." *Id.*, Final Decree in Tax Lien Case [Envelope 3062988].

10. On or about June 9, 2021, Respondent submitted a variance request to the Department for approval to discontinue business operations; within said submission, Respondent responded to the "Estimated Date of Re-Opening" prompt with "TBD."

11. On or about June 14, 2021, in accordance with Subsection 1.3(I)(1) of the Regulations,[2] the Department issued a letter to Respondent partially granting its June 6, 2021 variance request and approving its discontinuance of business operations until the end of Respondent's current license term (*i.e.*, until July 11, 2021).

12. The Department's letter identified above in ¶ 11 stated in part:

> OCR is approving the requested discontinuance on a **temporary** basis, in accordance with the Regulations, up to and including Heneault & Co.'s renewal date **of July 11, 2021**.
>
> Should Heneault & Co. seek to renew its license, OCR will evaluate the renewal application in accordance with the Regulations at that point in time. Be advised that Heneault & Co. will be required to demonstrate in its renewal application that it has a facility/premises in compliance with the Regulations. An inspection will be conducted to determine the suitability and readiness of the new locations.
> (*Emphasis in original*).

13. On or about July 11, 2021, Respondent timely submitted a renewal application for the 2021-2022 license term ("2021 Renewal Application").

14. Within its submitted 2021 Renewal Application Respondent did not provide responses to Questions 2, 4, 5, 6, and 7 on the Application Information Sheet which prompted for details surrounding Respondent's premises.

[2] Subsection 1.3(I)(1) of the Regulations provides that the license of a medical marijuana cultivator "shall be void and returned to DBR if the cultivator discontinues its operation, unless the discontinuance is on a temporary basis and approved by DBR."

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. Standard of Review for an Administrative Hearing

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, the initial burdens of production and persuasion rest with the moving party. 2 Richard J. Pierce, Administrative Law Treatise § 10.7 (2002). Unless otherwise specified, a preponderance of the evidence is generally required in order to prevail. *Id.* See *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 130, 134 (R.I. 1989) (preponderance standard is the "normal" standard in civil cases). This means that for each element to be proven, the fact-finder must believe that the facts asserted by the proponent are

more probably true than false. *Id.* When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. *Narragansett Electric Co. v. Carbone*, 898 A.2d 87 (R.I. 2006).

C. Relevant Statute and Regulation

As stated above, R.I. Gen. Laws § 21-28.6-1 *et seq.* provides for the licensing of cultivators. More specifically, R.I. Gen. Laws § 21-28.6-16 and § 1.3 of the Regulation set forth the requirements to apply and hold a cultivator license. Pursuant to R.I. Gen. Laws § 21-28.6-16 cultivators are only allowed to grow at a single location. R.I. Gen. Laws § 21-28.6-16 provides in part as follows:

> Licensed medical marijuana cultivators. (a) A licensed medical marijuana cultivator licensed under this section may acquire, possess, manufacture, cultivate, deliver, or transfer medical marijuana to licensed compassion centers, to another licensed medical marijuana cultivator. A licensed medical marijuana cultivator shall not be a primary caregiver cardholder registered with any qualifying patient(s) and shall not hold a cooperative cultivation license. Except as specifically provided to the contrary, all provisions of this chapter (the Edward O. Hawkins and Thomas C. Slater medical marijuana act), apply to a licensed medical marijuana cultivator unless they conflict with a provision contained in this section.
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> ***
>
> (i) Medical marijuana cultivators shall only be licensed to grow marijuana at a single location registered with the department of business regulation and the department of public safety. The department of business regulation may promulgate regulations governing where cultivators are allowed to grow. Medical marijuana cultivators must abide by all local ordinances, including zoning ordinances.

Section 1.3(E) of the Regulation provides in part as follows:

> 1.3 E. Application for Cultivator License
>
> 1.DBR will evaluate applicants based upon the information provided by applicants on the application forms/submissions and otherwise obtained during the application process.
>
> ***
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> 4.Pursuant to R.I. Gen. Laws § 21-28.6-16(i), cultivators shall only be licensed at a single location registered with DBR and RISP, must abide by all local ordinances, including zoning ordinances, and may be subject to any additional location restrictions promulgated by DBR. With respect to local zoning, medical marijuana cultivation may fall within various zoning use categories including

without limitation the following zoning use categories: agricultural uses (such as greenhouse and nursery), industrial uses (light and general), manufacturing and processing (such as factory) or specific medical marijuana related use categories. Whether medical marijuana cultivation is a permitted use, prohibited use or allowed by special use permit within these or any other use categories is determined by local zoning authorities.

Section 1.3(F) of the Regulation provides in part as follows:

F. Prerequisites to Issuance of Cultivator License and Commencement of Operations

1.If an applicant seeking to operate as a licensed cultivator is notified that its application has been approved by DBR, it shall complete the below steps before a cultivator license will be issued.

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3. Final Information and Documentation to be Supplied. The applicant must provide any updates to previously submitted application information and the following additional items to DBR:

a. A sufficient description of the final physical location of the cultivator premises (by plat and lot number, mailing address, etc.).

b. Evidence of complete compliance of the facility with the local zoning laws in the form of certificate or letter from an authorized zoning official of the municipality and certification by an authorized officer of the applicant as to compliance with any other applicable local ordinances.

c. Unless already provided at time of initial application, evidence that the physical location for the cultivator premises is not located within one thousand feet (1,000') of the property line of a preexisting public or private school.

d. A current Certificate of Occupancy (or equivalent document) to demonstrate compliance of the cultivator facility with the relevant provisions of R.I. Gen. Laws Chapters 23-28.1 and 23-27.3 [Fire Safety Code and State Building Code, respectively].

e. Evidence of either ownership of property or agreement by owner of property to allow the operation of a licensed cultivator on the property.

f. A final diagram of the facility, including where marijuana will be cultivated, stored, processed, packaged, and manufactured, and where security alarms and cameras and surveillance recording storage will be located.

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Section 1.3(H) of the Regulation provides in part as follows:

H. Variance Requests - Changes in Licensed Premises, Activities, Ownership and Control

1. A cultivator license shall not be assigned or otherwise transferred to other persons or locations, unless pre-approved in accordance with the below paragraphs.

2. A licensed cultivator has a continuing obligation to update, amend and/or correct any information requested and/or submitted in the application process to DBR.

3. The licensed cultivator must seek pre-approval from DBR by means of requesting a variance for all material changes to the approved cultivator application or any materials or plans approved thereafter by DBR. DBR may deny the variance if it determines that such variance will cause harm to public health and safety or cause the applicant to be in violation of the Act or any regulations promulgated thereunder, or otherwise would have caused the licensee to not have qualified for licensure originally.

4. A licensed cultivator shall submit to DBR a written request for a variance for any proposed change described below at least sixty (60) calendar days prior to the proposed effective date of the change:

a. A proposed change in ownership of the licensed cultivator;

b. Proposed change in the membership of a board of directors, board of trustees, or managers/members;

c. Proposed change in corporate officer;

d. Proposed merger, dissolution, entity conversion or amendment of corporate organization;

e. Proposed entering into a management agreement, changing management companies, and/or material changes to an existing management agreement;

f. Proposed changes in the approved licensed cultivator premises;

g. Proposed change to approved premises floor plan

(1) The licensed cultivator must include in its variance request a renovation plan that specifically addresses quality control procedures for the protection of medical marijuana and medical marijuana products from any contamination during the construction process and further address any other criteria DBR requires.

h. Proposed expansion/modification of the premises, including expanding or modifying the scope or scale of approved and/or licensed activity:

(1) Any request to expand or modify the premises, scope or scale of approved and/or licensed activity further requires explanation by the cultivator that the request to expand is justified by the projected needs of qualifying patients as determined by DBR. See R.I. Gen. Laws § 21-28.6-16(d).

(2) Additionally, any approved increase in the size of the facility that causes the facility to be reclassified based on the license fee structure set forth in § 1.3(F)(2) of this Part shall require payment of the difference between the paid fee and the fee applicable to the new classification of the facility. DBR, in its sole discretion, may prorate the fee increase or may offer a rebate for a size decrease.

i. Or any other changes requiring a variance as determined by DBR.

5. All variances must be pre-approved by DBR. Unless the licensed cultivator provides timely notification of the above changes and receives a variance issued by DBR or a waiver of the requirement of prior notice and issued variance, the license shall be void and returned to DBR.

6. As to any proposed change of ownership or to a management agreement that will effect a change of majority control and/or decision-making authority with respect to the operation of the licensed cultivator or as to any proposed change in an approved licensed cultivator premises location, DBR may require the licensed cultivator to follow the process for a new application, which may include a new application fee.

7. Change in contact information:

a. The licensed cultivator shall notify DBR in writing within ten (10) days of any changes in the licensee's mailing addresses, email addresses, phone numbers, or any other changes in contact information reported on the most recent initial/renewal application. Note that a change in business address/location is subject to the pre-approval variance requirements in § 1.3(H) of this Part.

D. Arguments

The Department argued that a cultivator license requires a premise so that the Respondent cannot maintain its License without a premise. It argued that while the Respondent received temporary approval to discontinue its operations, the Respondent's renewal application was deficient and did not identify a premise so could not qualify for licensing. The Department argued this matter was to be decided on the agreed to facts, and while the Respondent submitted an affidavit with its brief, it contained no material facts.

The Respondent argued that it complied with the spirit of the law and regulation and the Department is being unduly harsh arbitrary and capricious and abusing its discretion in seeking to revoke the License. It argued that there are now material facts in dispute. It argued that the Department granted a partial discontinuance on temporary basis but did not provide any explanation for its deadline to submit another application.

E. Whether Respondent's License Should be Revoked and/or License Application be Denied

a. <u>The Regulation's Requirements</u>

Under the statute and Regulation, cultivators may only grow at one location. On June 8, 2021, the Respondent notified the Department that it no longer had a premise. Joint Exhibit

Eight (8). Section 1.3(H)(4)(f) of the Regulation[3] requires that a licensed cultivator must submit to the Department a written request for changes to approved licensed cultivator premises. Such a request must be made at least 60 days in advance of the proposed effective date of change. On June 9, 2021, the Respondent submitted a variance request to discontinue business operations. Joint Exhibit 11. Section 1.3(H)(3) provides that the Department may deny a variance request if it determines that such a variance will cause harm to public health or safety or cause the application to be in violation of the statute or Regulation. In this matter, the Department on June 14, 2021 partially granted the variance request and approved the discontinuance of business operations to the end of the Respondent' license term (July 11, 2021). Joint Exhibit 12.

Section 1.3(H)(6) provides that for any proposed change in any approved licensed cultivator premises, the Department may require the licensed cultivator to follow the process for a new application. Here, the Department approved the Respondent's discontinuance of its business operations and then the Respondent filed its renewal application on July 11, 2021. Joint Exhibit 13. The Respondent did not provide any information about a premise in its 2021 renewal application. For said application's questions on the company's street address, the answer was left blank. For the questions on the licensee's premises for its address, plat number, and owner, those answers were left blank. *Id.*

The statute and Regulation require a premise for a licensed location. R.I. Gen. Laws § 21-28.6-16(i) and § 1.3(H)(4). Indeed, a variance cannot be granted if it will cause the application to be in violation of the statute or Regulation. Here, the Respondent cannot fulfil a condition of licensing as it does not have a premise. Section 1.3(F) details the requirements

[3] The references to sections within this decision will refer to various sections of the Regulation.

that a physical premise must have that are a pre-requisite for the issuance of a license. E.g. description of location, evidence of zoning compliance, certificate of occupancy.

The Respondent argued that under the Superior Court decision, *Jake and Ella's Inc. v. Department of Business Regulation*, 2002 WL977812 (R.I. Super.), the Department's requested sanction of revocation of its License is harsh and excessive in relation to the violation. In that matter, a liquor license was revoked, and the Court found that the revocation was excessive in relation to the licensee's violations. *Id.* In *Jake and Ella's*, the liquor licensee had allowed two (2) after-hours drinking violations and a very minor disorderly conduct violation within four (4) months. The issue in that Court case was what the sanction should be for those violations. In contrast, the issue here revolves around the conditions of a license. If an applicant or licensee cannot meet the conditions of licensing, it cannot be licensed. This matter is not concerned with determining whether there were violations that would result in a sanction. Rather, the issue is whether the licensee can fulfill the statutory and regulatory requirements of licensing.

A requirement of being licensed as a cultivator is having physical location which complies with the zoning of the town/city where it is located. Indeed, a cultivator could not fulfill its licensed functions without a physical location. A cultivator needs to have a physical location to cultivate medical marijuana. *Infra.*

Pursuant to § 1.3(H), the Respondent requested and received a temporary variance to discontinue operations. The Respondent then filed a renewal application – consistent with § 1.3(H)(6) – for its License. The renewal application contained no information regarding a premise. A location is required for licensing. Without a location, the Respondent is not in compliance with the requirements for licensing. Section 1.3(F). Under § 1.3(H)(3), a variance

cannot issue if it would have caused the license to not have been qualified for licensure thereunder. The Respondent would not have qualified for licensure without a location. Further, § 1.3(H)(5) provides that without a variance, a cultivator license becomes null and void.

The Respondent received a temporary variance until the expiration of its license. It then submitted a renewal application without identifying the statutorily and regulatory required location. Thus, without a premise, it no longer would have qualified for licensure. The Respondent is either currently seeking a variance to not have a location or to have its License be renewed without a location. However, it cannot be licensed without a location so it cannot be granted a variance. It cannot be licensed as it does not have a premise. And without a variance, the License is null and void.

b. Facts at Issue

On March 4, 2022, the parties submitted a pre-hearing stipulation which memorialized the parties' agreed statement of facts and exhibits for this matter and agreed that a decision could be made on the ASOF. The Respondent submitted with its brief an affidavit of Cassandra D. Heneault, the sole member of Heneault & Co., LLC. Heneault & Co., LLC is the holder of the License at issue. On the basis of this affidavit, the Respondent argued that there were now material facts at issue so that a decision could not be made on the previously agreed to facts.

This affidavit gives some more detail to the facts recited in the ASOF in relation to the tax sale of the Respondent's premises. It then refers to an event that happened after the submission of the stipulated facts. This event is that on April 3, 2022, the Respondent received a letter of intent whereby a buyer indicated its intent to purchase the membership interest in the Respondent LLC. With the letter of intent from the buyer, the Respondent requested that

the Department agree that this matter be continued so that another application could be submitted. On April 4, 2022, the Department denied consideration of this letter of intent stating that there was no license that could be transferred by the Respondent to a potential buyer. See affidavit.

The issue before the undersigned relates to the issue of the Respondent's premises. Presumably another application might address the lack of premises. However, there is nothing in the letter of intent about another possible location for this license. The issue of the premise relates to a condition of licensing. The after the fact information about a potential buyer does not change the fact that at the time of the Respondent's application, it did not have a premise.[4] Even with this affidavit, there is no information regarding a premise.

The material facts to this matter are that the Respondent no longer has the premises at which it was located when initially licensed.[5] It obtained a temporary variance from the Department to discontinue its operations and submitted a renewal application on July 11, 2021. The renewal application did not identify a premise for the Respondent's operation as required

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[4] In *Kent v. Department of Environmental Management*, 2011 WL 3153305 (R.I. Super.), the court upheld a hearing officer's exclusion of photographs offered at hearing on DEM's denial of a permit application. The court found that said photographs had not been included with the original application to DEM so were not relevant to the issue of whether the permit should have been granted since they were not part of the permit application. In this instance, the Respondent is not providing a location after the submission of the renewal application but rather it informed the Department that the company could be sold.

[5] The Respondent argued that with facts in the affidavit that this matter could no longer be decided on the ASOF as it did not meet the standard for a motion for summary judgment. A motion for summary judgment is granted when after reviewing the admissible evidence in the light most favorable to the nonmoving party, "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." *Liberty Mut. Ins. Co. v. Kaya*, 947 A.2d 869, 872 (R.I. 2008) (quoting *Roe v. Gelineau,* 794 A.2d 476, 481 (R.I. 2002)). See Super. R. Civ. P. 56(c). The nonmoving party "has the burden of proving by competent evidence the existence of a disputed issue of material fact and cannot rest upon mere allegations or denials in the pleadings, mere conclusions or mere legal opinions." *Liberty* Mut., at 872. While the Respondent submitted an affidavit regarding an event that occurred after the filing of the ASOF, the letter of intent does not change or bring into dispute any of the agreed to material facts. The Respondent does not have a location so is not eligible to be licensed.

by statute and the Regulation. The fact that on April 3, 2022, someone expressed interest in buying the company does not provide the Respondent with a premise.[6]

VI. FINDINGS OF FACT

1. On October 5, 2021, the Order to Show Cause was issued to the Respondent by the Department.

2. The parties agreed to have the matter decided on agreed facts and exhibits, and briefs. Briefs were timely filed by April 22, 2022.

3. The Respondent submitted an affidavit with its brief; however, the affidavit contained no material facts to the matter at issue.

4. The Respondent did not have a premise at the time it submitted its application in July, 2021. When the stipulated facts were filed the Respondent did not have a premise. The affidavit provided no information about a premise.

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

[6] R.I. Gen. Laws § 21-28.6-16(o) provides that "[e]ffective July 1, 2019, the department of business regulation will not reopen the application period for new medical marijuana cultivator licenses." With statutory limits on this type of licenses, it brings to mind the statutory mandates of liquor licensing which similarly limits the number of certain types of liquor licenses as well as provides for certain liquor licenses to be abandoned or revoked when they are no longer being used. For liquor licensing, there is a public policy behind the statute of not allowing the transfer and prolonged non-use of liquor licenses. *Green Point v. McConaghy*, 2004 WL 2075572 (R.I. Super.); *Marty's Liquors v. Warwick Board of Commissioners*, 1985 WL 663587. As noted in *Marty's Liquor*, the general assembly enacted legislation [R.I. Gen. Laws § 3-5-16] specifically providing to reduce the number of Class A liquor licenses so that Class A licenses cannot be kept "alive" for improper purposes. The Department has consistently ensured that new life is not breathed into liquor licenses that have been revoked, expired, abandoned, or are null and void. See *Baker v. Department of Business Regulation*, 2007 WL 1156116 (R.I. Super.) (cannot transfer a Class B liquor license that was not issued to a *bona fide* tavern keeper or victualer). Similarly, the Respondent no longer meets the condition of licensing in that it does not have a premise. By operation of statute and the Regulation, a license cannot issue without a premise. However, the Respondent is now trying to sell the business and asking the Department to renew the License so that it may be sold despite its noncompliance with a condition of licensing.

VII. CONCLUSIONS OF LAW

Based on the testimony and facts presented:

1. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 42-14-1 *et seq*., R.I. Gen. Laws § 21-28.6-1 *et seq*., R.I. Gen. Laws § 42-35-1 *et seq*., the Regulation, and 230-RICR-10-00-2 *Rules of Procedure for Administrative Hearings*.

2. Pursuant to R.I. Gen. Laws § 21-28.6-1 *et seq*. and the Regulation, a licensed cultivator requires a physical location.

VIII. RECOMMENDATION

Pursuant to R.I. Gen. Laws § 21-28.6-1 *et seq*. and the Regulation, the Respondent's renewal application is denied and its License is considered null and void so is revoked.

Dated: May 17, 2022

Catherine R. Warren, Esquire
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:

__X__ ADOPT
_____ REJECT
_____ MODIFY

Dated: 05/17/2022

Elizabeth M. Tanner, Esquire
Director

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 17th day of May, 2022, that a copy of the within decision was sent by first class mail, postage prepaid and by electronic delivery to Richard W. Nicholson, Esquire, 9 Thurber Blvd., Suite D, Smithfield, R.I. 02917 and by electronic delivery to Samuel P. Kovach-Orr, Esquire, Department of Business Regulation, 560 Jefferson Blvd., Suite 204, Warwick, R.I. 02886

Diane L. Paravisini