

**STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920**

MONTECRISTO RESTAURANT, LLC	:	
Appellant,	:	
	:	DBR NO.: 22L-Q001
v.	:	
	:	
CITY OF PROVIDENCE BOARD	:	
OF LICENSES,	:	
Appellee	:	
	:	

**INTERIM ORDER OF STAY
RE: MONTECRISTO RESTAURANT, LLC MOTION FOR AN
EMERGENCY ORDER OF CONTEMPT AND COMPLIANCE**

I. INTRODUCTION

This matter arose from a motion for an emergency order filed on July 1, 2022 by Montecristo Restaurant, LLC (Appellant) with the Department of Business Regulation (Department) pursuant to R.I. Gen. Laws §3-7-21 regarding the decision taken on June 14, 2022 by the Department.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws §3-7-1 et seq., R.I. Gen. Laws §42-14-41 et seq., and R.I. Gen. Laws §42-35-1 et seq.

III. DISCUSSION

The June 14, 2022 decision is hereby incorporated by reference.

As required by the June 14, 2022 decision, the Appellant was required to provide the City of Providence, Board of Licenses (Board) an updated business plan upon Appellants first appearance before the Board for the first time after issuance of the decision.

The Board does not dispute that an updated verbal business plan was presented at the first appearance before the Board on June 23, 2022. At that time, the Board instructed the Appellant to submit the plan in writing. The Appellant filed the written business for review before the next appearance before the Board on June 30, 2022.

On June 30, 2022, the Board decided the Appellant had not complied with the decision by not providing a written updated business plan before the first appearance on June 23, 2022. The Hearing Officer is not available to review compliance with the requirement to provide an updated business plan.

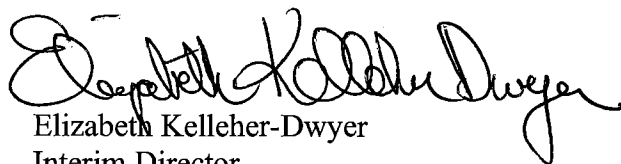
The Board has not raised any objection to a stay of decision subject to the conditions set forth in the June 14, 2022 decision.

IV. ORDER

The Interim Director issues this interim order as to Montecristo Restaurant, LLC's ("Appellant") July 1, 2022 emergency motion.

The Appellant shall be permitted to reopen until Hearing Officer Warren is able to review and issue a final decision on the motion. Reopening is subject to the Department's June 14, 2022 decision including the conditions 1-9 set forth therein, provided the issue of timeliness of delivery of the business plan shall be hereafter determined by the Hearing Officer.

Dated: July 1, 2022



Elizabeth Kelleher-Dwyer
Interim Director
Rhode Island Department of Business Regulation

NOTICE OF APPELLATE RIGHTS

THIS ORDER CONSTITUTES AN INTERLOCUTORY ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TOR.I. GEN. LAWS§ 42- 35-15. PURSUANT TOR.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 1st day of July, 2022 that a copy of the within Order and Notice of Appellate Rights were sent by email and first class mail, postage prepaid, to the following: Mario Matione, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, R.I. 02903, Peter Petrarca, Esquire, Petrarca & Petrarca, 330 Silver Spring Street, Providence, R.I. 02904, and Louis A. DeSimone, Jr., Esquire, 1554 Cranston Street, Cranston, R.I. 02920 and by electronic delivery to Pamela Toro, Esquire, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, R.I. 02920.



A handwritten signature in cursive script, appearing to read "Peter Petrarca", is written over a horizontal line.