

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

**JMA Inc. d/b/a Mezzo Lounge,
Appellant,**

v.

**City of Providence, Board of Licenses,
Appellee.**

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DBR No. 23LQ007

SECOND ORDER RE: MOTION FOR STAY


This matter arose from an appeal and motion for stay filed on August 7, 2023 by JMA Inc. d/b/a Mezzo Lounge (“Appellant”) with the Department of Business Regulation (“Department”) pursuant to R.I. Gen. Laws § 3-7-21 regarding the decision taken on August 3, 2023 by the City of Providence, Board of Licenses imposing discipline on the Appellant’s Class BV liquor license (“License”). A remote hearing on the motion to stay was heard on August 10, 2023 before the undersigned who was delegated to hear this matter by the Director of the Department. Subsequently, the parties tried to resolve the appeal but were unable so requested that this order issue. An order granting a partial stay was issued on August 22, 2023. That order is incorporated by reference. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 3-7-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

As part of the August 22, 2023 stay order, a police detail on Friday, Saturday, and Sundays and any night before a state holiday was required. Subsequent to the stay order being issued, the Appellant wrote requesting that as there are often a shortage of police detail officers, that it be allowed to substitute enhanced security on those nights that a detail cannot be obtained. Neither

the Board of Licenses nor the City of Providence objected to this request but rather deferred to the undersigned. The Board indicated that the Board did not require a police detail in its initial decision, and it had not requested one at the stay hearing. The City indicated that in prior matters, licensees that could not obtain a detail as required by a stay order have been allowed to use enhanced security.

Therefore, based on the foregoing, the August 22, 2023 stay order is modified so that if the Appellant cannot obtain a police detail on the required nights (Friday, Saturday, Sundays, and night before a state holiday), it may use private enhanced security. The Appellant shall have tried to obtain a police detail before using private security. The private security shall include at least two (2) more staff than usual.

Dated: August 28, 2023



Catherine R. Warren
Hearing Officer

INTERIM ORDER

I have read the Hearing Officer's Recommended Order in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT
 REJECT
 MODIFY

Dated: August 28, 2023


Elizabeth Kelleher Dwyer, Esquire
Director

NOTICE OF APPELLATE RIGHTS

THIS ORDER CONSTITUTES AN INTERLOCUTORY ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-15. 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 on this 28th day of August, 2023 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 Martone, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, R.I. 02903, John C. Manni, Esquire, 1405 Plainfield Street, Johnston, R.I. 02919, 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.

Megan Mihara
