

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

**Strive Kitchen & Bar, LLC
Appellant,**

v.

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

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DBR No.: 26LQ003

DIRECTOR'S DECISION AND ORDER

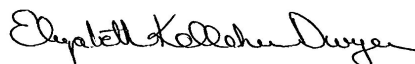
The undersigned Director adopts Sections I-VI and the first paragraph of Section VII of the Hearing Officer's proposed Order Re: Motion for Stay attached hereto. The remaining paragraphs of Section VII and Section VIII are replaced with the following:

Although in considering a request for stay, the Department may determine to maintain the *status quo* in its discretion, the Department declines to do so here. The attached reflects that the September 3, 2026 violations are not disputed by Strive Kitchen & Bar, LLC, i.e. "1) five (5) instances of underage drinking; 2) entertainment without a license; 3) too loud/noise; 4) four (4) floor hosts without floor host license; and 5) expansion of premises without approval." Moreover, the Appellant's disciplinary history includes underage drinking, floor hosts working without a license, entertainment without a license and loud music. While there has been no evidence presented of violence or unruly behavior, the violations present threats to public health and safety. There is a strong public interest in compliance of liquor service and other laws. Appellant has not made the required strong showing that it will prevail on the merits of its appeal, it will suffer

irreparable harm if the stay is not granted, and that issuance of a stay will not harm the public interest.

Based upon the foregoing, the Appellant's request to stay the Board's decision is denied. Nothing herein precludes the parties from working together and agreeing to further defer the suspension start date and/or fine payment date on specific terms and conditions pending a full hearing on an expedited basis.

Dated September 23, 2026



Elizabeth Kelleher Dwyer, Esquire
Director

NOTICE OF APPELLATE RIGHTS

THIS DECISION 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 APPROPRIATE TERMS.

CERTIFICATION

I hereby certify on this 23rd day of September, 2026, that a copy of the within Decision and Order was sent by first class mail, postage prepaid, and by electronic delivery to the following: Mario Martone, Esquire, Conley Law & Associates, 123 Dyer Street, Suite 2B, Providence, RI 02903 mmartone@conleylawri.com, Steven Nelson, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, RI 02903 snelson@providenceri.gov, Louis A. DeSimone, Esquire, 1554 Cranston Street, Cranston, RI 02920 ldatty@gmail.com, and by electronic-delivery to Pamela J. Toro, Esquire, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI 02920 pamela.toro@dbr.ri.gov.



Attachment to Director's Decision and Order

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

**Strive Kitchen & Bar, LLC
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ORDER RE: MOTION FOR STAY

I. INTRODUCTION

This matter arose from an appeal and motion for stay filed pursuant to R.I. Gen. Laws § 3-7-21 and R.I. Gen. Laws § 3-5-21¹ by Strive Kitchen & Bar, LLC (“Appellant”) with the Department of Business Regulation (“Department”) regarding an order (“Decision”) issued by the City of Providence, Board of Licenses’ (“Board”) on September 17, 2026 suspending the Appellant’s Class BV license for four (4) weeks beginning September 24, 2026 and imposing an administrative penalty. The Department’s jurisdiction only relates to the Class BV liquor license held by the Appellant.² This matter came remotely before the undersigned on September 21, 2026 in her capacity as hearing officer delegated by the Director of Department.

¹ *The Rack d/b/a Smoke v. Providence Board of Licenses*, 2013 WL 3865230 (R.I.Super.) (Department jurisdiction for administrative penalties).

² Appeals to the Department can only relate to the liquor license held by the Appellant. See *El Nido v. Goldstein*, 626 A.2d 239 (R.I. 1993) (victimizing license is a separate and distinct license from a liquor license). The Appellant has a Class B liquor license which is conditioned on holding a victimizing license.

II. TRAVEL OF MATTER

Based on the representations from the parties, the violations are not in dispute: On September 3, 2026, there were the following violations: 1) five (5) instances of underage drinking; 2) entertainment without a license; 3) too loud/noise; 4) four (4) floor hosts without floor host license; and 5) expansion of premises without approval.

The parties agreed that evening the police in the vicinity of the Appellant heard the noise and went over and found underage patrons. There was a bar and D.J. set up in the parking lot. The D.J. announced the licensee was closed and the patrons exited. It was agreed that there were no instances of violence or unruly or disorderly behavior that night.

The hearing before the Board was held on September 10, 2026 and the Appellant was closed pending the decision on September 17, 2026. On September 17, 2026, the Board imposed a four (4) week suspension with credit giving for the one (1) week closure. The suspension is to be effective on September 24, 2026. The Board also imposed an administrative penalty of \$7,000.³

III. PRIOR DISCIPLINE

The Appellant was licensed on September 27, 2023. It received a warning in November, 2024 for not having people working as floor hosts licensed.

On April 9, 2026, the Appellant had seven (7) counts of underage drinking, and also entertainment without a license, loud music, and floor hosts working without a license.

On May 1, 2026, the Appellant had entertainment without a license, loud music, and floor hosts working without a license.

³ The audio of the Board hearing was not available but the minutes of the Board meeting indicate that the city and police had requested a two (2) week suspension of license but the Board imposed a four (4) week suspension. See <https://providenceri.igm2.com/Citizens/FileOpen.aspx?Type=15&ID=12378&Inline=True>.

The April and May, 2026 violations were heard on the same day by the Board (May 21, 2026) and an administrative penalty of \$1,750 each was imposed for the April violations and the May violations.

IV. ARGUMENTS

The Appellant argued the sanctions imposed for these violations were excessive and not in line with prior Department cases and progressive discipline. It argued that jumping from administrative penalties to a four (4) week suspension was not warranted in this matter. It argued that these violations are all within the Appellant's control and can be corrected. It argued the Appellant now has licensed its floor hosts and has new written policies and procedures. It argued there were no fights or unruly behavior so there is not a public safety issues, these violations can be corrected, and it has already been closed for a week.

The Board argued the Appellant already had an issue in 2024 and 2026 with unlicensed floor hosts, and in 2026 with loud music and entertainment without a license, and it ignored the Board's concerns. It argued the Appellant is very close to Providence College and is a college bar. It argued the Appellant put a DJ and bar outside in a neighborhood. It argued the expansion of premises without permission is a safety issue. It argued the Board's main concerns are the underage drinking and the expansion of premises, and any stay issued should be conditioned to meet those concerns and should be premised on scheduling a hearing very soon.

The City agreed with the Board and pointed out the prior violation with the bar and entertainment without a license was the same as the current violations.

The parties agreed that a hearing can be scheduled for the week of October 5, 2026.⁴

⁴ An attorney is out the week of September 28, 2026 or the hearing could have been scheduled that week.

V. STANDARD FOR ISSUANCE OF A STAY

A stay will not be issued unless the party seeking the stay makes a “strong showing” that “(1) it will prevail on the merits of its appeal; (2) it will suffer irreparable harm if the stay is not granted; (3) no substantial harm will come to other interested parties; and (4) a stay will not harm the public interest.” *Narragansett Electric Company v. William W. Harsch et al.*, 367 A.2d 195, 197 (1976). Despite the ruling in *Harsch*, the Supreme Court in *Department of Corrections v. Rhode Island State Labor Relations Board*, 658 A.2d 509 (R.I. 1995) found that *Harsch* was not necessarily applicable in all agency actions and the Court could maintain the *status quo* in its discretion when reviewing an administrative decision pursuant to R.I. Gen. Laws § 42-35-15(c). While appeals before the Department do not fall under R.I. Gen. Laws § 42-35-15(c), it is instructive to note that the *Department of Corrections* found it a matter of discretion to hold matters in *status quo* pending review of an agency decision on its merits.

VI. BASIS FOR DISCIPLINE

The Board imposed discipline pursuant to R.I. Gen. Laws § 3-5-21 which provides in part as follows:

Revocation or suspension of licenses — Fines for violating conditions of license.

(a) Every license is subject to revocation or suspension and a licensee is subject to fine by the board, body, or official issuing the license, or by the department or by the division of taxation, on its own motion, for:

(1) Breach by the holder of the license of the conditions on which it was issued;

or

(2) Violation by the holder of the license of any rule or regulation applicable;

or

(4) Breach of any provisions of this chapter; or

(b) Any fine imposed pursuant to this section shall not exceed five hundred dollars (\$500) for the first offense and shall not exceed one thousand dollars (\$1,000) for each subsequent offense. For the purposes of this section, any offense committed by a licensee three (3) years after a previous offense shall be considered a first offense.

VII. DISCUSSION

A liquor appeal to the Department pursuant to R.I. Gen. Laws § 3-7-21⁵ is considered a *de novo* hearing. The Department's jurisdiction is *de novo* and the Department independently exercises the licensing function. See *A.J.C. Enterprises v. Pastore*, 473 A.2d 269 (R.I. 1984); *Cesaroni v. Smith*, 202 A.2d 292 (R.I. 1964); and *Hallene v. Smith*, 201 A.2d 921 (R.I. 1964). Because the Department's has such broad and comprehensive control over traffic in intoxicating liquor, its power has been referred to as a "super-licensing board." *Baginski v. Alcoholic Beverage Comm.*, 4 A.2d 265, 267 (R.I. 1939). See also *Board of Police Com'rs v. Reynolds*, 133 A.2d 737 (R.I. 1957). The purpose of this authority is to ensure the uniform and consistent regulation of liquor statewide. *Hallene*.

If a stay is not granted for the sanctions, the Appellant will not have a meaningful appeal. There is no issue of violence or unruly or disorderly conduct. The Department case, *P.B. Management Inc. and Peter Buonanni d/b/a Cornerstone Pub*, 14LQ003 (6/1/16), has an extensive discussion of penalties for underage drinking and it would appear the sanctions imposed here are in excess compared to past discipline. Thus, it would appear that the Appellant has a likelihood of success on the merits. There are no threats to the public as there are no public safety issues. There is public interest in the proper application of licensing laws. The Appellant has met its burden pursuant to *Harsch* for the granting of a stay. *Supra*.

⁵ R.I. Gen. Laws § 3-7-21(a) provides as follows:

Appeals from the local boards to director. — (a) Upon the application of any petitioner for a license, or of any person authorized to protest against the granting of a license, including those persons granted standing pursuant to § 3-5-19, or upon the application of any licensee whose license has been revoked or suspended by any local board or authority, the director has the right to review the decision of any local board, and after hearing, to confirm or reverse the decision of the local board in whole or in part, and to make any decision or order he or she considers proper, but the application shall be made within ten (10) days after the making of the decision or order sought to be reviewed. Notice of the decision or order shall be given by the local or licensing board to the applicant within twenty-four (24) hours after the making of its decision or order and the decision or order shall not be suspended except by the order of the director.

Based on the foregoing, the following conditions shall be imposed on the granting of the stay.

1. The Appellant shall only have patrons that are over 21 years old.
2. There shall be no expansion of premises and no entertainment.
3. The Appellant shall file with the Board by September 24, 2026, a list of the newly licensed floor hosts.⁶

VIII. CONCLUSION AND RECOMMENDATION

Based on the foregoing, the undersigned recommends the following: A stay shall be issued for the suspension and administrative penalty pursuant to the conditions set forth above.

Dated: September 22, 2026

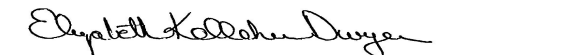

Catherine R. Warren
Hearing Officer

INTERIM ORDER

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

____ ADOPT
____ REJECT
 X MODIFY (see attached Director's
Decision and Order)

Dated: 9/23/2026


Elizabeth Kelleher Dwyer, Esquire
Director

A hearing will be scheduled the week of October 5, 2026 on a mutually convenient date to be determined by the parties.⁷

⁶ At the Department hearing, the Appellant made reference to updated safety and security plan. According to the Board's September 17, 2026 minutes, this plan has already been submitted to the Board.

⁷ Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant is responsible for the stenographer.

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CERTIFICATION

I hereby certify on this 23rd day of September, 2026 that a copy of the within Order and Notice of Appellate Rights were sent by email and first class mail, postage prepaid, and by electronic delivery to the following: Steven Nelson, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, R.I. 02903, Mario Martone, Esquire, Conley Law & Associates, 123 Dyer Street, Suite 2B, Providence, R.I. 02903, 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
