

**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.**

:
:
:
:
:
:
:
:

DBR No.: 26LQ004

DIRECTOR'S DECISION AND ORDER

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

A licensee is "responsib[le] to control the conduct of its patrons both within and without the premises in a manner so that the laws and regulations to which the license is subject will not be violated." *Schillers, Inc. v. Pastore*, 419 A.2d 859 (R.I. 1980). The attached reflects that notwithstanding the presence of Appellant's security personnel and their directions to patrons in the line, Appellant failed to control the conduct of its patrons. There was a disturbance in the line and Appellant's security personnel responded by shutting the club doors and moving the crowd into the parking lot across the street where the disturbance persisted and the stabbing occurred. Based upon the foregoing and Appellant's disciplinary history, 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.

The Appellant's request to stay the Board's decision is denied. Nothing herein precludes the parties from working together to conduct the full hearing on an expedited basis.

Dated October 1, 2026



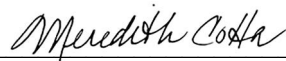
Elizabeth Kelleher Dwyer, Esquire
Director

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 1st day of October, 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: John C. Manni, Esquire, 1405 Plainfield Street, Johnston, RI 02919 jmanni@1405lawoffices.com, Gillian Barker, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, RI 02903 jbarker@providenceri.com, 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@dbri.gov.

Signature: 

Print: Meredith Cotta

Attachment to Director's Decision and Order

**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.**

:
:
:
:
:
:
:
:
:
:
:

DBR No. 26LQ004

ORDER RE: MOTION FOR STAY

I. INTRODUCTION

This matter arose from an appeal and motion for stay filed on September 25, 2026 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. This matter revolves around an incident that occurred on September 18, 2026. The Providence Board of Licenses (“Board”) held an emergency meeting on September 19, 2026 and under the City’s Home Rule Charter § 1102(b)(3) suspended the Appellant’s Class BVX license for 72 hours and scheduled the matter for hearing on September 22, 2026. A hearing was held on September 22, 2026 with the Appellant agreeing to remain closed pending decision on September 24, 2026. On September 24, 2026, the Board ordered the Appellant closed for four (4) weeks dating from September 19, 2026 and imposed other sanctions. A remote hearing on the motion to stay was heard on September 29, 2026 before the undersigned who was delegated to hear this matter by the director of 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 § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

A liquor appeal to the Department pursuant to R.I. Gen. Laws § 3-7-21 is considered a *de novo* hearing. The Department's jurisdiction is *de novo* and the Department independently exercises the licensing function. *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 v. Smith*, 201 A.2d 921 (R.I. 1964).

III. STANDARD FOR ISSUANCE OF A STAY

Under *Narragansett Electric Company v. William W. Harsch et al.*, 367 A.2d 195, 197 (R.I. 1976), 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." 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). The issue before the undersigned is a motion to stay a Decision which is subject to a *de novo* appeal and does not fall under R.I. Gen. Laws § 42-35-15(c). Nonetheless, 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.

IV. TRAVEL OF MATTER

On September 18, 2026, the Appellant held an 18 year old plus event. A stabbing occurred in the Wendy's parking lot across from the Appellant resulting in the death of a man. The parties represented that the Wendy's parking lot and Walmart parking lot are part of a big parking lot across from the Appellant.

The undersigned listened to the hearing held by Board on September 22, 2026¹ at which Detective Jeremy Doucette ("Doucette"), Providence Police Department, testified. Doucette testified that on September 18, 2026, there was a line outside the Appellant, and there was a disturbance on the line and the Appellant's security immediately intervened to disperse the crowd. He testified that the first call to 911 was from the Appellant's security, and it was before the stabbing happened. He testified the crowd was dispersed into the Wendy's parking lot where the disturbance started again, and the stabbing occurred. On cross-examination, Doucette testified the Appellant was very cooperative and immediately provided video.

At the hearing, the City and the Appellant agreed to a three (3) week closure of which the Board was skeptical and the matter was continued so the Board could consult with its attorney on September 24, 2026 for disposition. The parties agreed that on September 24, 2026, the Board closed the Appellant for four (4) weeks dating from September 19, 2026, imposed no 18 years and over events, to provide quarterly reports, and to prevent lines from forming.

In addition, there were no overcapacity issues. The City admitted this at the September 22, 2026 Board hearing. There was no dispute that the Appellant had 12 security personnel on site

¹ <https://providenceri.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=16147&Format=Minutes>.
The audio for the September 24, 2026 Board meeting did not work for the undersigned to listen.

including three or four in front and two or three in back and a security vehicle with strobe lights in the parking lot. It also was undisputed that the Appellant called the 911 prior to the stabbing.

V. THE BASIS FOR SANCTIONS

a. **Disorderly Conduct**

R.I. Gen. Laws § 3-5-23 states in part as follows:

(b) If any licensed person permits the house or place where he or she is licensed to sell beverages under the provisions of this title to become disorderly as to annoy and disturb the persons inhabiting or residing in the neighborhood, or permits any gambling or unlawful gaming to be carried on in the neighborhood, or permits any of the laws of this state to be violated in the neighborhood, in addition to any punishment or penalties that may be prescribed by statute for that offense, he or she may be summoned before the board, body, or official which issued his or her license and before the department, when he or she and the witnesses for and against him or her may be heard. If it appears to the satisfaction of the board, body, or official hearing the charges that the licensee has violated any of the provisions of this title or has permitted any of the things listed in this section, then the board, body, or official may suspend or revoke the license or enter another order.

In revoking or suspending a liquor license, it is not necessary to find that a liquor licensee affirmatively permitted patrons to engage in disorderly conduct. See *Cesaroni v. Smith*, 202 A.2d 292 (R.I. 1964). The same statute also forbids a licensee from permitting any laws of Rhode Island from being violated. A liquor licensee has the “responsibility to control the conduct of its patrons both within and without the premises in a manner so that the laws and regulations to which the license is subject will not be violated.” *Schillers, Inc. v. Pastore*, 419 A.2d 859 (R.I. 1980). Under *Cesaroni* and *A.J.C. Enterprises*, the Appellant is directly or indirectly responsible for the actions of its patrons and for the actions arising inside or emanating from inside a liquor licensee.

In a denial of renewal matter,² *A.J.C. Enterprises*, found in discussing the disorderly provisions that “[T]here need not be a direct causational link between incidents occurring outside

² In order to suspend or revoke a liquor license, there must be a showing that the holder has breached some applicable rule or regulation. In this matter, the City is relying on the disorderly provisions of R.I. Gen. Laws § 3-5-23. R.I. Gen.

or nearby a drinking establishment and its patrons. Such a link is established when it can be reasonably inferred from the evidence that the incidents occurred outside a particular establishment and had their origins within.”

In terms of disorderly conduct, case law speaks of the conduct “within” the premises. *Cesaroni* speaks of disorderly conduct that occurs within premises where liquor is dispensed under a license that causes either directly or indirectly conditions in the neighborhood that annoy the neighborhood (e.g. disorderly conditions). *A.J.C. Enterprises* speaks of making an inference that the disturbance outside had their origins within the premises.

There is a very strict requirement that makes a licensee responsible for conduct inside and those outside activities that arise from inside the bar even if the licensee did not know of the actions or tried to supervise its patrons and prevent the activities. The case law is consistently clear that a liquor licensee is responsible for conduct inside and conduct outside that can be directly or indirectly inferred to arise from inside. In order for the Appellant to be responsible there must be some kind of conduct for which the club is responsible for and from which it can be inferred the stabbing arose. *A.J. C. Enterprises* and *Cesaroni*.

No one disputes the tragedy of the stabbing outside the Appellant. However, the issue before the undersigned is purely a legal issue regarding the Appellant’s responsibility, if any, for the stabbing.

b. Conditions of Licensing

R.I. Gen. Laws § 3-5-21 states 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 breach by the holder of the license of the

Laws § 3-7-6 requires that a denial of a renewal must be “for cause.” For cause has been interpreted to include (among other reasons) the violations of the disorderly provisions. *Chernov Enterprises, Inc. v. Sarkas*, 284 A.2d 61 (R.I. 1971).

conditions on which it was issued or for violation by the holder of the license of any rule or regulation applicable, or for breach of any provisions of this section.

Maintaining enough security and providing security is a condition of liquor licensing. *Ciello, LLC d/b/a Luv*. Recently, *FabCity Cigar Lounge, Inc. d/b/a FabCity Cigar Lounge v. Board of License Commissioners for the City of Pawtucket*, DBR No. 22LQ005 (6/22/22) addressed the issue of conduct inside and outside as related to security. In *FabCity*, there was ongoing tensions between a patron and another group of patrons so that the bar manager separated them. In *FabCity*, there were no physical altercations; however, the conduct and lack of response by the licensee led to security violations.

VI. PRIOR DISCIPLINE

In 2023, the Department noted in a stay order involving the Appellant has previously been disciplined for various violations including for approximately 11 disorderly disturbances and underage service. It had its liquor license suspended for four (4) days in 2021 and for four (4) days and also two (2) days in 2022. See JMA stay order dated 8/22/23.³ In the 2023 matter, the Appellant admitted to being responsible for the outside disturbance in the parking lot. The Board in that matter imposed gradual limiting of events and elimination of 18 plus. The Board violation history did not note a final disposition of this matter, but the appeal was dismissed by the Department on February 18, 2024. See Footnote Three (3).

In 2024, the parties appeared before the Department on another matter regarding a shooting in the same parking lot. At that time, the police investigation found the shooting was not related to the Appellant so the parties agreed to the Department entering a stay on November 26, 2024 that included the condition of 21 plus only. That appeal was dismissed by the Department on

³ <https://dbr.ri.gov/combined-liquor-enforcement-matters-2012-2023>.

December 2, 2025.⁴ The Appellant's disciplinary history does not indicate any violation for that matter.

VII. ARGUMENTS

The Appellant argued when the people outside were not following directions, the Appellant shut the club doors and dispersed the patrons. It argued there was a minor scuffle in front, and then the crowd was moved to Wendy's parking lot and the stabbing occurred there. It argued the police concluded that neither the assailant nor the victims had gone into the club. It argued the police were called prior to the stabbing when the patrons would not disperse, and the Appellant fully cooperated with the police. It argued that its security had done everything it could have done. It argued that Board relied on old complaints and that it understood discipline was a three year look back. It argued the stabbing had no nexus to inside the premises, so it had a strong likelihood of success on the merits. It argued that it was unfair to ban 18 plus events but next month it has 25 events scheduled and only a couple are 18 plus.

The Board argued the three year look back is only for underage drinking. It agreed the police were called before the stabbing. It argued the Appellant has a long disciplinary history going back to 2009 with disturbances in 2021, 2022, and 2023. It argued the Appellant is a licensed as a steakhouse and has turned itself into a Class BX nightclub. It argued a 30 day suspension is on target with the Appellant's history. The City agreed with the Board's arguments.

The Board represented at the Department hearing that the Appellant had no 18 years plus events for 15 months and that coincided with no discipline. The Appellant argued that 18 plus events were allowed case by case. The Board represented that 18 plus for small parties like 18th

⁴ <https://dbr.ri.gov/municipal-liquor-appeals-under-3-7-21>.

birthdays were allowed but then it went from case by case and then 18 plus events went onto the Board's consent agenda for 18 plus, and problems started again.

VIII. DISCUSSION

There is an issue of whether the Appellant is responsible for the disorderly conduct. It would appear that the Appellant has a likelihood of success on the merits in relation to the disorderly conduct as the police testimony was this happened outside and the people on line never got inside so there does not seem to be a nexus with disorderly conduct inside the premises. However, there is also the question of security. Security did call the police prior to the stabbing, and took action when the people in line were being unruly. Nonetheless, there is an issue whether there was enough security for this kind of event. The Appellant has already served ten (10) days of its suspension. If the Appellant is found in violation of conditions of licensing, with its disciplinary history, it would certainly most likely have a suspension imposed. See R.I. Gen. Laws § 3-5-21 (three year look back for fines but not for suspension or revocation). However, the Appellant cannot have a meaningful hearing without a stay to maintain the *status quo* so that the undersigned will recommend a conditional stay pending a full hearing.

IX. RECOMMENDATION

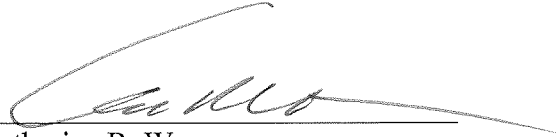
Based on the foregoing, the following conditions shall be imposed on the granting of the stay.

1. The Appellant shall only have patrons that are over 21 years old and no under 21 events.
2. Close every night at midnight.
3. Police detail at weekend from 10 p.m. to 1:00 a.m. (an hour past closing time).
4. Prior to the Appellant beginning to serve alcohol again, the Appellant must provide the Board with its written safety plan including line and crowd control, including violence

prevention and response procedures and notify the Board of a contact person responsible for ensuring the plan has been implemented.

5. The parties may agree to modify this stay order if they choose.

Dated: 9/29/26

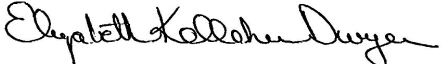

Catherine R. Warren
Hearing Officer

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

Dated: 10/1/2026


Elizabeth Kelleher Dwyer, Esquire
Director

A hearing will be scheduled as soon as possible on a mutually convenient date to be determined by the parties.⁵

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

⁵ Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant is responsible for the stenographer.

CERTIFICATION

I hereby certify on this 1st day of ~~September~~^{October}, 2026 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: Jillian Barker, 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.

Signature: _____

Print: Meredith Cotta