

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER
1511 PONTIAC AVENUE 69-1
CRANSTON, RHODE ISLAND 02920

IN THE MATTER OF	:
	:
Kingstown Sushi, Inc.	:
d/b/a Kabuki Japanese Restaurant	:
	:
RESPONDENT.	:

CONSENT AGREEMENT

It is hereby agreed between the Department of Business Regulation (“Department”) and Kingstown Sushi, Inc. d/b/a Kabuki Japanese Restaurant (“Respondent”) as follows:

1. Respondent holds a Class B license for the retail sale of alcoholic beverages pursuant to R.I. Gen. Laws § 3-7-7.
2. R.I. Gen. Laws § 3-5-21 provides that every license is subject to revocation or suspension and a licensee is subject to fine by the Department, on its own motion, for breach by the holder of the license of the conditions on which it was issued or for violation by the holder of the license of any applicable statute, rule or regulation.
3. Pursuant to an inspection on May 19, 2010 the Department became aware that Respondent was discounting drinks in violation of R.I. Gen Laws § 3-7-26 (b) (1) and Regulation 8, Rule 16.
4. R.I. Gen. Laws § 3-7-26 (b) (1) provides that:

(b) (1) No licensee shall advertise or promote in any manner, or in any medium, happy hours, open bars, two-for-one nights and/or free drink specials.

5. COMMERCIAL LICENSING REGULATION 8, RULE 16 provides that;

No licensee or employee or agent of an alcoholic beverage license shall sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the period of Monday through Friday until 6 P.M. or Friday at 6 P.M. through Sunday.

All licensees shall maintain a schedule of the prices charged for all drinks to be served and consumed on the premises or in any room or part thereof. Such prices shall be effective for the period of Monday through Friday until 6 P.M. and/or Friday at 6 P.M. through Sunday provided; however, that the Friday through Sunday time period may be extended for an additional 24 hours on those weekends which have a Monday holiday following, provided such holiday is recognized and observed by the State of Rhode Island.

Happy hour and any similar type activities are prohibited.

6. The Department has sufficient cause to impose an administrative penalty pursuant to R.I. Gen. Laws § 3-5-21.

7. In an effort to resolve the above-referenced violation and allow Respondent to maintain its license in good-standing, Respondent agrees to the following:

A. Respondent understands that the Department is charged with protecting the public by ensuring that its Licensees are competent and trustworthy and are reasonably familiar with the statutes, rules or regulations relating to alcoholic beverages.

B. Respondent shall comply with all terms and requirements for licensure under R.I. Gen. Laws §§ 3-5-1, *et seq.*, 3-7-1, *et seq.*; and *Commercial Licensing Regulation 8 – Liquor Control Administration.*

- C. Respondent shall pay a fine in the amount of \$250.00, payable to the Rhode Island General Treasurer.
- D. Respondent voluntarily waives its right to the hearing process, voluntarily waives its right to appeal to Superior Court, admits that the allegations in Paragraphs 3, *supra*, are true, and agrees to take all necessary action as delineated in this Consent Agreement in order to maintain its license in good-standing.

8. If Respondent fails to comply with the terms of this Consent Agreement, the Department reserves the right to initiate the administrative hearing process to suspend or revoke Respondent's license pursuant to R.I. Gen. Laws §§ 3-5-21, and 42-35-9.

THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation
By:

Maria D'Alessandro
Maria D'Alessandro, Esq.
Deputy Director Of Securities,
Commercial Licensing and Racing & Athletics

Date: 8/4/2010

Respondent
By:

[Signature]
Kingstown Sushi, Inc. d/b/a Kabuki
Japanese Restaurant

Date: 7/26/2010

Terrence G. Simpson
Terrence G. Simpson
Notary Public
State of Rhode Island
My Commission Expires 6/28/2013