

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE BUILDING 69-1
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF :
 :
 :
Martini Lounge, LLC :
d/b/a Glo Bar :
 :
RESPONDENT. :
 :

CONSENT AGREEMENT

It is hereby agreed between the Department of Business Regulation (“Department”) and Martini Lounge, LLC d/b/a Glo Bar (“Respondent”) as follows:

1. Respondent holds Class B, BX and Class N 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 statute, rule or regulation applicable.

3. R.I. Gen. Laws § 3-9-4 provides:
Sale of impure or adulterated liquors – Misrepresentation of quality. – No person shall sell, keep for sale or offer to sell any impure or adulterated spirituous or intoxicating liquors, nor shall any person sell or keep for sale or offer for sale any liquors of quality inferior to what the liquors are represented to be.

4. Rule 39 of Commercial Licensing Regulation 8 – Liquor Control

Administration provides:

It shall be a cause for suspension or revocation of a license if any licensee or its agent shall sell, offer for sale, or keep on the premises wine or distilled spirits in any package or container which has been refilled or partly refilled.

5. On January 31, 2011, an inspector of the Department found on

Respondent's premises alcoholic beverages that were repoured.

6. Based on the foregoing, the Department has reason to believe that Respondent violated R.I. Gen. Laws §§ 3-9-4 and Rule 39 of *Commercial Licensing Regulation 8 – Liquor Control Administration*.

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

8. 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 and law relating to real estate.

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

C. Respondent shall pay a fine in the amount of \$500.00, payable to the Rhode Island Treasurer.


D. Respondent voluntarily waives its right to the hearing process, voluntarily waives its right to appeal to Superior Court, admits that the allegations set forth herein are true, and agrees to take all necessary action as delineated in this Consent Agreement in order to maintain its license in good-standing.

9. 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:

Respondent
By:



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



Thomas Menna, Member

Date: 5/24/11

Date: 5/23/11

MARTINI LOUNGE, LLC

93 CLEMENCE ST.
PROVIDENCE, RI 02903-3401

1134

PAY TO THE ORDER OF

Bill General Investment Fund

DATE

5/23/11

57-12/115
122

\$ 500

DOLLARS

 **Citizens Bank**

Rhode Island

FOR

[Signature]

⑆001134⑆ ⑆011500120⑆ 2145 151 6⑆

MP