

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX, BLDG 68-69
1511 PONTIAC AVENUE
CRANSTON, RI 02920

Moe's Place, Inc. d/b/a D'Noche,	:	
Appellant,	:	
	:	
v.	:	DBR No.: 14LQ054
	:	
The City of Providence Board of Licenses,	:	
Appellee.	:	

DECISION

I. INTRODUCTION

On or about October 1, 2014, the Providence Board of Licenses (“Providence” or “Board” or “City”) notified Moe’s Place, Inc. d/b/a D’Noche (“Appellant” or “Moe’s”) that its Class BVX liquor license (“License”) located at 103 Plainfield Street, Providence, Rhode Island had been revoked by the Board. Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant appealed this decision to the Director of the Department of Business Regulation (“Department”). Pursuant to R.I. Gen. Laws § 3-7-21(c),¹ the parties agreed to base the appeal on the record before the Board. Oral closings were held on October 23, 2014 before the undersigned sitting as a designee of the Director.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant to R.I. Gen. § 3-5-1 *et seq.*, 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.*

¹ R.I. Gen. Laws § 3-7-21 states in part as follows:
Appeals from the local boards to director.

(c) The director may accept into evidence a stenographic transcript of a witness's sworn testimony presented before the local board that was subject to cross examination. This testimony may be rebutted by competent testimony presented at the hearing held by the director.

III. ISSUES

Whether to uphold or overturn Providence's decision to revoke Appellant's License.

IV. MATERIAL FACTS AND TESTIMONY

At the September 24, 2014 Board hearing, Officer Joshua Greeno ("Greeno"), Providence Police Department, testified on behalf of the City. He testified that on the night of September 21, 2014, he was a detail officer at the Appellant's working outside monitoring the patrons. He testified that usually there are two (2) detail officers at night but that night there was only him. He testified that he arrived there at 11:00 p.m. and there were two (2) security personnel at the front door, one checking identifications and the second one performing brief pat downs of patrons. He testified that the pat downs were not as thorough as he would have conducted and there no metal detectors and no wand being used.

Greeno testified that later in the evening he was advised of a disturbance. He testified that he went to the front door and the bouncer said that two (2) men who had just left were responsible for an assault and one was in possession of a knife so he (Greeno) pursued the suspects. He testified he engaged the two (2) suspects and they were highly intoxicated and then he saw another man who later was identified as the stabbing victim trying to confront the two (2) subjects. He testified that he saw the victim was bleeding heavily from the chest so he radioed for rescue and had the victim return to the front of the club. He testified that he secured the suspect, Emanuel Torres, and returned to the club with him and left him with the two (2) officers at the club. He testified that there were about 15 or 20 people in front of the club and it was after 2:00 a.m. He testified that two (2) bouncers and the owner were outside and were trying to help as best the best they could. He testified there were about eight (8) to ten (10) police cars and eight (8) to ten (10) officers outside as well as another belligerent patron who was also arrested.

On cross-examination, Greeno testified it was a bouncer who first told him that there was a disturbance. He testified that he did not write in his report the suspects were intoxicated. He testified that he did see the owner outside and he was trying to assist and be helpful. He testified that prior to 2:00 a.m., he did not have any indication that there were issues inside the club. He testified that he radioed at 2:07 a.m. when he saw the victim. On questioning from the Board, he testified that the victim and suspects were inside the bar and the bouncers worked with him (Greeno) concerning the disturbance.

Detective John Primiano testified on behalf of the City. He testified that he reviewed the security video for the club and pulled some portions of the video together. He testified that the first AVI video captures the four (4) individuals involved in assault as they arrived at the bar.² He testified that the four (4) patrons entered together and their four (4) pat downs took a total of 30 seconds. He testified that the pat downs performed by security were insufficient as one pat down only was a brush on a shoulder and for another individual, the small of his back was not checked. He testified that pat downs should focus on where weapons can be hidden such as the small of the back or in an ankle holster. There was no cross-examination.

Detective Theodore Michaels testified on behalf of the City. He testified that he is the lead investigator in this matter. He testified that on the video, one can see the stabbing suspect and behind him is Emanuel Torres who starts the fight. He testified the victim gets punched and the suspect has a knife in his hand before stabbing the first victim and then the second victim. He testified that one victim has a collapsed lung and the other victim was not seriously injured. On cross examination, he identified the Appellant's owner on the video and testified that was in the

² He testified that the video time is 28 minutes behind the actual time so in the surveillance system, it shows these patrons arriving at 12:22.22 a.m. when the actual time is 12:50.22 a.m.

middle of the fight. He testified that the knife was never found but the injuries were consistent with a pocket knife.³

Detective Andrew Lawton testified on behalf of the City. He testified that he is currently working with the Safe Street Task Force and the two (2) victims are gang members. On cross-examination, he testified that the suspect is not a gang member.

Lieutenant Alyssa DeAndrade (“DeAndrade”) testified on behalf of the City. She testified she is in charge of districts Four (4) and Five (5) where the Appellant is located. She testified that she is familiar with incidents at the bar and since January, the police have been called to the Appellant’s for 18 different incidents and for a variety of incidents such as license violations, disturbances, or shots fired. She testified on the night in question, officers from other districts responded to the stabbing leaving those other areas uncovered by police.

On cross-examination, DeAndrade testified there are 18 police reports for those 18 incidents. She testified there is not a shortage of police officers in Providence. She testified that no matter what type of call, if there is a call for extra cars, there will be a portion of the city with reduced number of police officers. She testified that officers will respond to a call and then it will be determined how many officers are needed so the officers might get cleared since the situation does not need any more officers.

V. DISCUSSION

A. Legislative Intent

The Rhode Island Supreme Court has consistently held that it effectuates legislative intent by examining a statute in its entirety and giving words their plain and ordinary meaning.

³ In reviewing the video, at the video’s time of 1:32:50 a.m., a patron throws a punch and the stabbing motion by the suspect is at 1:32:54 a.m. On the video, it looks like the knife could have been taken from a pocket or sleeve. The fight is broken up immediately since by 1:33:02 a.m., the parties are separated and being restrained. At 1:33:05 a.m., one of the stabbing victims takes off his shirt to show his wound on his left torso. The fight happened at the real time of 2:00:50 a.m.

In re Falstaff Brewing Corp., 637 A.2d 1047 (R.I. 1994). If a statute is clear and unambiguous, “the Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.” *Oliveira v. Lombardi*, 794 A.2d 453, 457 (R.I. 2002) (citation omitted). The Supreme Court has also established that it will not interpret legislative enactments in a manner that renders them nugatory or that would produce an unreasonable result. See *Defenders of Animals v. DEM*, 553 A.2d 541 (R.I. 1989) (citation omitted). In cases where a statute may contain ambiguous language, the Rhode Island Supreme Court has consistently held that the legislative intent must be considered. *Providence Journal Co. v. Rodgers*, 711 A.2d 1131, 1134 (R.I. 1998). The statutory provisions must be examined in their entirety and the meaning most consistent with the policies and purposes of the legislature must be effectuated. *Id.*

B. Arguments

At Board hearing, the City argued that it is undisputed that there was an altercation inside the bar. The City argued that the security procedures for entrance to the bar were inadequate as the suspect brought in a knife. The City argued that the Appellant is strictly liable for the disorderly conditions. At the Department closing arguments, the City also argued that the stabbing happened even with a police detail outside and that the club has a history of violations.

At the Board hearing, the Appellant argued that the Board cannot rely on police calls for prior sanctions but must rely on actual sanctions imposed by the Board. The Appellant argued that there was no proof that the fight was gang related. The Appellant argued that the owner tried to stop the disturbance and there was no evidence of an earlier fight. The Appellant argued that this does not rise to the level of revocation but rather the Board could impose a lesser sanction and security conditions. At the Department closing arguments, the Appellant argued that revocation is the “death penalty” and is not warranted. The Appellant argued the

when the bar was closing and there were no other incidents except 30 seconds before the stabbing, the victim was punched and the owner jumped in to stop the fight which lasted no more than two (2) minutes. The Appellant argued that the Appellant did everything it could to prevent a fight and that a review of the videos show that the pat downs vary in length.

C. The Appeal before the Department

The hearing before the undersigned is a *de novo* hearing so that the parties start afresh during the appeal. See *A.J.C. Enterprises v. Pastore*, 473 A.2d 269 (R.I. 1984) (as the hearing is a *de novo* hearing rather than an appellate review of what occurred at the municipal level, any alleged error of law or fact committed by the municipal agency is of no consequence); *Hallene v. Smith*, 201 A.2d 921 (R.I. 1964); and *Cesaroni v. Smith*, 202 A.2d 292 (R.I. 1964) (Department's jurisdiction is *de novo* and the Department independently exercises the licensing function). Thus, while there was not a new hearing before the Department, the proceeding before the Department is considered a *de novo* hearing. The outcome of an appeal is a decision whether to uphold, overturn, or modify a licensing board's decision. Thus, this appeal is not bound by the Board's reasons for revocation but whether the Board presented its case for revocation before the undersigned. The undersigned will make her findings on the basis of the evidence before her and determine whether that evidence justifies said revocation.

The Department reviews sanctions to ensure statewide consistency and appropriateness in the situation. It also supports progressive discipline barring the rare and extreme event where revocation may be warranted without prior discipline. It also accepts the principles of comity and deference to the local authorities and their desire to have control over their own town or city. At the same time, pursuant to R.I. Gen. Laws § 3-2-2 and R.I. Gen. Laws § 3-7-21, the Department ensures that tensions between local boards and licensees are settled in a consistent

manner. Nonetheless, there is not a mechanical application of sanctions as each matter has its own sets of circumstances. See *C&L Lounge, Inc. d/b/a Gabby's Bar and Grille; Gabriel L. Lopes v. Town of North Providence*, LCA – NP-98-17 (4/30/99). At the same time, a sanction cannot be arbitrary and capricious. The unevenness of the application of a sanction does not render its application unwarranted in law but excessive variance would be evidence that an action was arbitrary and capricious. *Pakse Market Corp. v. McConaghy*, 2003 WL 1880122 (R.I. Super.) (upholding revocation for a series on infractions). See *Jake and Ella's* 2002 WL 977812 (R.I. Super.) (overturning a revocation of a liquor license as arbitrary and capricious).

An appeal proceeding held pursuant to R.I. Gen. Laws § 3-7-21 is considered a civil proceeding. See *Board of License Commissioners of Tiverton v. Pastore*, 463 A.2d 161 (R.I. 1983). In civil proceedings, unless otherwise specified, the burden of proof generally needed for moving parties to prevail is a fair preponderance of the evidence. *Jackson Furniture Co. v Lieberman*, 14 A.2d 27 (R.I. 1940). See also *Parenti v. McConaghy*, 2006 WL 1314255 (R.I. Super.); and *Manny's Café, Inc. v. Tiverton Board of Commissioners*, LCA TI-97-16 (11/10/97) (Department decision discusses burden of proof for proceedings held pursuant to R.I. Gen. Laws § 3-7-21).

D. Sanctions Prior to September 20, 2014

The License was transferred to the Appellant on August 8, 2007.

January 17, 2013 - \$1,500 administrative penalty and five (5) day suspension for disorderly conditions.

November 4, 2013 – seven (7) day closure for overcapacity, advertising drink specials, entertainment without a license, and disturbance.

October 9, 2014 – warning for unlicensed floor host and \$1,250 administrative penalty for underage drinking, entertainment without license

February 13, 2014 - \$300 administrative penalty for permitting smoking in public place

May 1, 2014 – three (3) day suspension and \$2,000 administrative penalty for disorderly conditions. (See *Moe's Place, Inc. d/b/a D'Noche v. the City of Providence Board of Licenses*, DBR No.: 14LQ022 (6/24/14).

E. The September 20 to 21, 2014 Incident

There is no dispute that a fight broke out inside the Appellant's at closing time. The fight was brief and was quickly stopped but not before two (2) men were stabbed.

F. When Revocation of License is Justified

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 . . . 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 a liquor license, it is not necessary to find that a liquor licensee affirmatively permitted patrons to engage in disorderly conduct. Rather, the Rhode Island Supreme Court held in *Cesaroni* at 295-296 as follows:

[T]he legislature, in enacting the pertinent provision of the statute, intended to impose upon such licensee the obligation to maintain an efficient and affirmative supervision over the conduct of his patrons in his place to such an extent as is necessary to maintain order therein. It is our opinion that as a practical matter a licensee assumes an obligation to affirmatively supervise the conduct of his patrons so as to preclude the generation therefrom of conditions in the

neighborhood of like character to conditions that would result from maintenance of a nuisance therein.

It is to be conceded that this imposes upon a licensee an onerous burden in the management of the licensed premises. It is, however, within the authority of the legislature, the liquor traffic being peculiarly within the police power of the state.

Furthermore, the Court found that “disorderly” as contemplated in the statute meant as follows:

The word "disorderly" as used here contemplates conduct within premises where liquor is dispensed under a license that causes either directly or indirectly conditions in the neighborhood in annoyance of or disturbing to the residents thereof. *Id.* at 296.

Thus, 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).

A liquor licensee is accountable for violations of law that occur on its premises and outside. *Vitali v. Smith*, 254 A.2d 766 (R.I. 1969). It is not a defense that a licensee is not aware of the violations or provided supervision to try to prevent violation. While such a responsibility may be onerous, a licensee is subject to such a burden by the legislature and accepted such conditions by becoming licensed. *Therault v. O’Dowd*, 223 A.2d 841, 842-3 (R.I. 1966). See also *Scialo v. Smith*, 99 R.I. 738 (R.I. 1965). As the Supreme Court has found, “the responsibility of a licensee for the conduct of his patrons within the licensed premises that makes it disorderly within the meaning of the statute is established by evidence showing a toleration or acquiescence in such conduct by the licensee.” *Cesaroni*, at 296. See also *AJC Enterprises; Schillers*; and *Furtado v. Sarkas*, 118 R.I. 218 (1977).

Nonetheless, the revocation of a liquor license is a relatively rare event and is reserved for a severe infraction or a series of smaller infractions that rise to a level of jeopardizing public

safety. See *Stagebands, Inc. d/b/a Club Giza v. Department of Business Regulation*, 2009 WL 3328598 (R.I. Super.) (disturbances and a shooting on one night justified revocation) and *Pakse Market Corp. v. McConaghy*, 2003 WL 1880122 (R.I. Super.) (upholding revocation of license when had four (4) incidents of underage sales within three (3) years). See also *Cardio Enterprises, d/b/a Comfort Zone Sports Bar v. Providence Board of Licenses*, DBR No.: 06-L-0207 (3/29/07) (killing of patron with incident starting inside and escalating outside justified revocation); *PAP Restaurant, Inc. v. d/b/a Tailgate's Grill and Bar v. Town of Smithfield, Board of License Commissioners*, DBR No.: 03-L-0019 (5/8/03) (series of infractions justified revocation); and *Tropics, Inc. d/b/a Club Tropics v. City of Warwick, Board of Public Safety*, LCA-WA-97-05 (2/28/97) (series of infractions justified revocation).

Thus, the Department will uphold a revocation where an incident is so egregious as to justify revocation without progressive discipline.⁴ However, the Department will decline to uphold a revocation where the violation is not so egregious or extreme and the local authority has not engaged in progressive discipline. *Infra*.

G. What Sanction is Justified

From *Cesaroni* in 1964 to *Schillers* in 1980 up until today, a liquor licensee is responsible for activities inside and outside its licensed premises. It does not matter how well a liquor licensee supervises such responsibilities since even the most responsible supervising licensee is still responsible for disorderly conduct. See *Therault*.

In this situation, the Appellant was licensed in 2007 and for six (6) years had no sanctions imposed until 2013, when it had two (2) suspensions for disorderly conduct and then in 2014, it had another suspension for disorderly conduct. The 2014 decision involved minor altercations

⁴ Progressive discipline relies on the sanctions imposed on a licensee by a licensing authority.

but a three (3) day suspension was imposed because of the 2013 discipline. See *Moe's Place, Inc. d/b/a D'Noche v. the City of Providence Board of Licenses*, DBR No.: 14LQ022 (6/24/14).

R.I. Gen. Laws § 3-7-7⁵ provides that a town or city may grant a Class B licensee a 2:00 a.m. closing time on Friday and Saturday nights. An extended license is treated as a separate license. See *28 Prospect Hill Street, Inc. v. Gaines*, 461 A.2d 923 (R.I. 1983). The Appellant has an extended license. Pursuant to *Commercial Licensing Regulation 8 – Liquor Control Administration* (“CLR8”), a licensee with a 2:00 a.m. closing must be closed by 2:00 a.m. with the patrons exiting by that time. For a 1:00 a.m. closing, a licensee has 20 minutes for its patrons to exit.⁶

As discussed above, the sanctions imposed for R.I. Gen. Laws § 3-5-23 vary depending on the type of disorderly conduct. Very serious and egregious violations that involve weapons and/or serious assaults could result in a revocation of license. E.g. *Cardio Enterprises d/b/a Comfort Zone Sports Bar v. Providence Board of Licenses*, DBR No.: 06-L-0207 (3/29/07)

⁵ R.I. Gen. Laws § 3-7-7 states in part as follows:

Class B license. – (a)(1) A retailer's Class B license is issued only to a licensed bona fide tavern keeper or victualer whose tavern or victualing house may be open for business and regularly patronized at least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or served after one o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. Local licensing boards may fix an earlier closing time within their jurisdiction, at their discretion. The East Greenwich town council may, in its discretion, issue full and limited Class B licenses which may not be transferred, but which shall revert to the town of East Greenwich if not renewed by the holder.

(4) Any holder of a Class B license may, upon the approval of the local licensing board and for the additional payment of two hundred dollars (\$200) to five hundred dollars (\$500), open for business at twelve o'clock (12:00) p.m. and on Fridays and Saturdays and the night before legal state holidays may close at two o'clock (2:00) a.m. All requests for a two o'clock (2:00) a.m. license shall be advertised by the local licensing board in a newspaper having a circulation in the county where the establishment applying for the license is located.

⁶ Rule 18 of CLR8 states in part as follows:

(a) All patrons shall leave the licensed premises not later than 1:20 a.m. where the licensee is permitted to remain open until 1:00 a.m. Last call shall be at 12:45 a.m. Where licensee is permitted by local ordinance or permit to remain open until 2:00 a.m. all patrons must leave the licensed establishment by 2:00 a.m. All employees shall leave the licensed premises within one-half hour after the required closing time; provided the owner or employees may enter or be in a licensed establishment at any time for a legitimate business purpose with approval from the local police department.

(license revoked for shooting that arose at bar). A long suspension may be imposed for severe disorderly conduct. E.g. *C & L Lounge, Inc. d/b/a Gabby's Bar and Grill; Gabriel Lopes v. Town of North Providence*, LCA-NP-98-17 (4/30/99) (30 day suspension for severe disorderly conduct but not so severe as to merit revocation). See also *JJAM Sports, Inc. d/b/a LaCabana Night Club Sports Bar and Grille, Inc. v. Lincoln Board of License Commissioners*, LCA-LI-99-05 (12/27/99), the Department uphold a two (2) day suspension for a fight inside the bar and a second fight outside in the parking lot with the patrons refusing to leave and police (including from the adjoining community) being called to clear the patrons and a police officer had a beer bottle thrown at him. More recently, *DL Enterprises d/b/a East Bay Tavern v. East Providence City Council*, DBR No. 14LQ009 (4/28/14), the Department reduced revocation to a 14 day suspension for fighting inside bar where there was allegations of stabbing but no positive identification of a weapon.

In this matter, there were serious security lapses at the Appellant's on September 20, 2014 in that a patron entered with a knife despite pat downs at the entrance. The Appellant's security staff's pat downs were brief and apparently ineffective. The fight that night was brief and quickly quelled (by staff including the owner) but the Appellant is responsible for the fight and this is its fourth disorderly violation within two (2) years.

The stabbing occurred at closing time at 2:00 a.m. on a Sunday morning. In order for the Appellant to have more time for its patrons to exit and for the patrons to be able to exit in a more orderly fashion over 20 minutes at 1:00 a.m. and in light of its prior discipline, the Appellant's extended license is revoked.

In terms of the Class B license and consistent with *Gabby's* where severe disorderly conduct merited a long suspension and in light of its prior discipline, the Appellant's Class B license is suspended for 60 days from the date of the Board's revocation of its License.

Upon reopening, the Appellant will be subject to the following conditions:⁷

1. The club will continue to have a two (2) officer detail on Saturday and Sunday nights (until and unless lifted by the Board).
2. Metal detectors shall be used for all patrons entering the club.
3. Prior to the start of every month, the Appellant shall provide the Board with its security plan for the month. E.g. staffing plans, security company (if any), etc. (The Board may decide to require this weekly or may lift this condition if it decides it is appropriate).

VI. FINDINGS OF FACT

1. On or about October 1, 2014, the Board notified the Appellant that its License had been revoked by Providence.
2. Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant appealed this decision to the Director of the Department.
3. Pursuant to R.I. Gen. Laws § 3-7-21(c), the parties agreed to base the appeal on the record before the Board.
4. Oral closings were held on October 23, 2014.
5. The facts contained in Section IV and V are reincorporated by reference herein.

VII. CONCLUSIONS OF LAW

Based on the testimony and facts presented:

⁷ *Thompson v. East Greenwich*, 512 A.2d 837 (R.I. 1986), a town may grant a liquor license upon conditions that promote the reasonable control of alcoholic beverages.

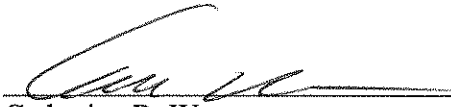
1. The Department has jurisdiction over this matter pursuant to R.I. Gen. § 3-5-1 *et seq.*, R.I. Gen. Laws § 3-7-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

2. In this *de novo* hearing, no showing was made by Appellant that would warrant overturning Providence's decision to revoke the Appellant's extended License but the B License shall be suspended for 60 days from the day of the incident and when it re-opens, the Appellant must comply with the conditions set forth above.⁸

VIII. RECOMMENDATION

Based on the above analysis, the Hearing Officer recommends that the decision of the Board revoking Appellant's Class B License be overturned and be reduced to a 60 day suspension from the day of the incident but that the decision of the Board to revoke the extended license shall be upheld and that the License shall be subject to conditions set forth above when Appellant reopens.

Dated: 11/13/14



Catherine R. Warren
Hearing Officer

ORDER

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

ADOPT
 REJECT
 MODIFY

Dated: 3 December 2014


Paul McGreevy
Director

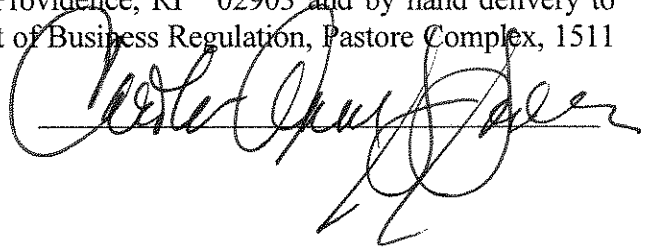
⁸ The Appellant must comply with the conditions prior to re-opening.

NOTICE OF APPELLATE RIGHTS

THIS DECISION CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. 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 3rd day of ~~November~~ December, 2014 that a copy of the within Decision was sent by first class mail, postage prepaid to Peter Petrarca, Esquire, Petrarca & Petrarca, 330 Silver Spring Street, Providence, RI 02904 and Mario Martone, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, RI 02903 and by hand delivery to Maria D'Allesandro, Deputy Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Bldg. 68-69, Cranston, RI 02920.



A handwritten signature in black ink, appearing to read "Charles J. Faller", is written over a horizontal line. The signature is cursive and somewhat stylized.