

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

**IN THE MATTER OF:** :  
:   
**SOUTH STREET CAFE, INC.,** : **DBR No. 10-L -0039**  
**D/B/A SOUTH STREET** :  
**CAFE AND PAUL** :  
**KIELTYKA, PRESIDENT,** :  
:   
**RESPONDENTS.** :

**EMERGENCY SUSPENSION ORDER, OPPORTUNITY FOR HEARING, AND  
NOTICE OF INTENT TO IMPOSE CIVIL PENALTY**

Pursuant to R.I. Gen. Laws §§ 3-1-1 *et seq.*, 3-7-14.2(c), 42-35-14(c), and 42-14-2(2), and Commercial Licensing Regulation 8 (“CLR 8”), the Director (“Director”) of the Department of Business Regulation (“Department”) hereby orders that the Class P Caterer’s License issued pursuant to R.I. Gen. Laws § 3-7-14.2 (“ Class P License”) to South Street Cafe, Inc. d/b/a South Street Cafe, whose President is Paul Kieltyka, President (“Respondents” collectively, or “Respondent” as licensee), located at 54 South Street, Providence, Rhode Island, 02903, is hereby immediately suspended. This Order is effective upon issuance.

Upon receipt of a written request for a hearing within thirty (30) days of the date of this Order, a Hearing Officer will be appointed by the Director and the matter will be set down for hearing no less than twenty (20) and no more than sixty (60) days from the date such request is received. The Director will promptly notify the Respondent of the

time and place for any hearing. If no hearing is requested and none is ordered by the Director, this Order shall become permanent thirty (30) days after entry and shall remain in effect unless or until it is modified or vacated by the Director or his successor.

The Director makes the following findings of fact and conclusions of law with respect to entry of this Emergency Order:

1. Respondent caterer has a Class P Caterer License Number 0344 issued by the Department on January 28, 2010 that authorizes Respondent to keep for sale and to sell alcoholic beverages for consumption on the premises of a catering event. As a condition precedent to being issued the Class P License, Respondent also obtained a Food Business License issued by the Office of Food Protection by the Department of Health.
2. On March 19, 2010, the Providence Police issued a "Providence Incident Report", Case Number 2010-00027969.
3. An investigation by the Providence Police detectives revealed that the "Pirates Den," an unlicensed alcoholic beverage facility located at 100 North Main Street, Providence, Rhode Island had a bar with bottles of hard liquor lined up on a shelf behind the bar and coolers.
4. The detectives observed a female bartender pouring shots using bar liquor, with a patron using a credit card for payment of the shots.
5. On March 26, 2010, Detective St. Lawrence of the Providence Police observed patrons leaving the Pirates Den with alcoholic beverages and entering Olives, an adjacent licensed liquor establishment.

6. The Detective spoke with a “bouncer” for Pirates Den, who showed him a Class P License issued to the Respondent, which purportedly allowed for the sale of alcoholic beverages in the Pirates Den.
7. A bartender at the Pirates Den stated that she worked for the Respondent catering company. She also indicated that food had been served earlier in the evening at a prior event, but the food was now gone, so that she was continuing to serve alcoholic beverages for Respondent without any food available for consumption. (Providence Police Incident Report, Case Number 2010-00029012).
8. Previously, Pirates Den had applied for and was denied a liquor license by the Providence Board of Licenses on June 4, 2009.
9. Pirates Den appealed the denial of the liquor license to the Department on June 9, 2009 and subsequently withdrew that appeal on March 29, 2010.
10. On March 29, 2010, the Providence Police referred this matter to the Department.
11. On March 27, 2010, several members of the Providence Police NOC Division purchased beer as well as three shots of Jameson Irish whiskey from the bar located within Pirates Den. No food was observed displayed at that time or later. (Providence Police Incident Report, Case Number 2010-00029081).
12. The Department has broad jurisdiction over the administration of liquor control, pursuant to R.I. Gen. Laws §§ 3-1-5, 3-2-2, 3-5-20 and 42-14-2(2). In addition, the Department has specific jurisdiction over Respondent’s Class P License pursuant to R.I. Gen. Laws § 3-7-14.2.
13. Respondent has violated R.I. Gen. Laws § 3-7-14.2 and CLR 8, Rule 42 by: (a) serving shots; (b) operating under a Class P License selling alcoholic beverages

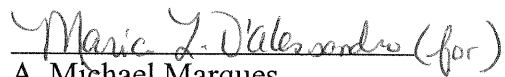
without serving food; (c) not limiting the serving of alcoholic beverages to catered events; (d) allowing patrons to leave the premises with alcohol where the Respondent was selling alcohol; (e) conspiring with Pirates Den to circumvent the Providence Licensing Board's denial of a liquor license to Pirates Den; and (f) upon information and belief, continuing to serve alcoholic beverages in contempt of the decision of the local licensing authority, the Providence Licensing Board, in violation of public policy and safety.

14. Based on the information conveyed to the Department, the Respondent is engaging in conduct that is intentionally circumventing actions taken by the Providence Board of Licenses, and is intentionally not complying with statutory requirements of the Class P license as described herein thereby jeopardizing the public health and safety.

Based upon the foregoing, the Director orders that:

1. The Respondent's Class P License is immediately suspended and Respondent shall cease and desist from engaging in any such licensed activity pursuant to R.I. Gen. Laws §§ 42-35-14(c) and 3-7-14.2.
2. The Respondents shall immediately turn over all of its books and records relating to its Class P license from January 28, 2010 to present to the Department.

Dated as of the 9<sup>th</sup> day of April, 2010.

  
A. Michael Marques  
Director

Administrative Order No. 10-052

**CERTIFICATION**

I hereby certify on this 9<sup>th</sup> day of April, 2010 that a copy of the within Order was hand-delivered to the following:

Paul Kieltyka, President  
South Street Café, Inc.  
54 South Street  
Providence, RI 02903

Arthur M. Read, II  
Agent for Service of Process for South Street Café, Inc.  
300 Centerville Road, Suite 315E  
Warwick, RI 02886

Chief of Police Dean Esserman  
City of Providence  
Providence, RI 02903

Sent by regular mail, postage prepaid to the following:

Office of the City Solicitor  
Providence City Hall  
Providence, RI 02903

Providence Board of Licenses  
Providence City Hall  
Providence, RI 02903

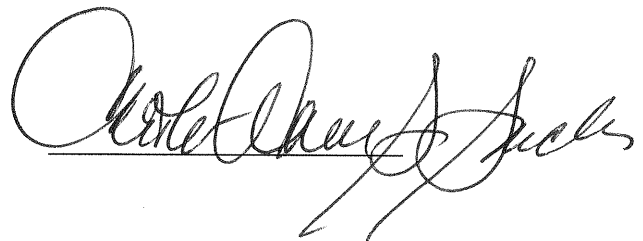
And by electronic delivery to the following members of the Department of Business Regulation:

Richard W. Berstein  
Executive Counsel

Neena Sinha Savage  
Chief of Legal Services

William DeLuca  
Chief Licensing Examiner

Thomas Broderick  
Chief Public Protection Inspector

A handwritten signature in black ink, appearing to read "Robert Charles J. Scales", written over a horizontal line.