




the License had been transferred and that the Board did not address the issue of the Appellant's outstanding appeal of the two (2) day suspension.

While the Board could choose to address outstanding discipline while considering an application to transfer such a license, in this matter, the Board did not. Therefore, there is nothing left to appeal.

Based on the foregoing, the Appellant's appeal is dismissed.


As recommended by:

Date: 6/23/10

  
Catherine R. Warren  
Hearing Officer

I have read the Hearing Officer's recommendation and I hereby ADOPT/REJECT the recommendation of the Hearing Officer in the above-entitled Order of Dismissal.

Date: 6-24-2010

  
A. Michael Marques  
Director

Entered as an Administrative Order No.: 10- 095 this 24<sup>th</sup> day of June, 2010.

**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 24<sup>th</sup> day of June, 2010 that a copy of the within Order was sent by first class mail, postage prepaid to -

Max Foster, Esquire  
Assistant City Solicitor  
275 Westminster Street  
Providence, RI 02904

John J. DeSimone, Esquire  
DeSimone & DeSimone  
735 Smith Street  
Providence, RI 02908

and by electronic-delivery to Maria D'Alessandro, Associate Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI.

*R B Ellison*