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

Maria Alzate,
Appellant,
v.
Marcus Smith, Tropical Vibes Corporation d/b/a Tabu Restaurant & Lounge, and the City of Pawtucket,
Appellee.

DBR No.: 07-L-0296

ORDER OF DISMISSAL

This matter arose out of an appeal filed by Maria Alzate ("Appellant") with the Department of Business Regulation ("Department") appealing a decision by the City of Pawtucket ("Pawtucket") issued on or about November 7, 2007 regarding the Class B liquor license ("License") of Tropical Vibes Corporation d/b/a Tabu Restaurant & Lounge ("Licensee"). This matter was continued by the agreement of the parties.

On or about March 16, 2009, Pawtucket filed a motion to dismiss this matter. Pawtucket argued that the Licensee’s application to renew its Class B license for the licensing period of 2008 to 2009 was denied by the Pawtucket Board of License Commissioners on November 18, 2008 and that no appeal was taken from said denial. Pawtucket argued that the above-captioned appeal is moot since the License no longer exists.

Pursuant to Section Eleven of the Department’s Central Management Regulation 2 Rules of Procedure in Administrative Hearings, a party has ten (10) days to file a written
opposition to a motion and if the Hearing Officer believes it is necessary, she or he may set a motion down for hearing. In this matter, no opposition to said motion was filed by any party. The undersigned does not find a hearing necessary.

WHEREFORE, as a result of the foregoing and upon due consideration thereof, it is hereby ordered as follows:

1. The above-captioned matter is dismissed with prejudice.

As recommended by:

Date: **March 26, 2007**

Catherine R. Warren
Hearing Officer

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

Date: **March 31, 2009**

A. Michael Marques, by Richard W. Bester
A. Michael Marques
Director

Entered as an Administrative Order No.: 09-090 this 31st day of March, 2009.

**NOTICE OF APPELLATE RIGHTS**

CERTIFICATION

I hereby certify on this 31st day of March, 2009 that a copy of the within Order was sent by first class mail, postage prepaid to -

Frank J. Milos, Jr., Esquire
Assistant City Solicitor
City of Pawtucket
137 Roosevelt Avenue
Pawtucket, RI 02860

Richard A. Pacia, Esquire
50 Power Road, Suite 200
Pawtucket, RI 02860

William Delaney, Esquire
55 Dorrance Street
Providence, RI 02903

Ms. Maria Alzate
708 Broad Street
Central Falls, RI 02863

and by hand-delivery to Maria D’Alessandro, Commercial Licensing and Regulation, Department of Business Regulation, 233 Richmond Street, Providence, RI 02903.

[Signature]