

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

IN THE MATTER OF

EL CARIBENO RESTAURANT, LLC

RESPONDENT

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CONSENT AGREEMENT

It is hereby agreed between the Commercial Licensing & Racing & Athletics Division (“Division”) of the Department of Business Regulation (“Department”) and El Caribeno Restaurant, LLC (“Respondent”) as follows:

1. Respondent holds a Class BV Limited license for the retail sale of alcoholic beverages pursuant to R.I. Gen. Laws § 3-7-3.
2. R.I. Gen Laws § 3-5-21 provides that every license is subject to revocation or suspension and a license 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 § 3-7-18 provides:

All holders of retail licenses except retail Class G licenses shall purchase beverages for sale under their licenses only from the holder or holders of wholesale licenses under this title.

**Div of Commercial
Licensing and Racing
& Athletics**

APR 13 2015

**Records
Liquor Enforcement
AND COMPLIANCE**

4. R.I. Gen. Laws § 3-8-6 provides, in pertinent part:

Every retail Class A, B, C and D licensee shall cause to be kept a book or photographic reproduction equipment which provides the same information as required by the book. The sign-in as minor book and photographic reproduction equipment shall be prescribed, published and approved at the direction and control of the division.

5. Rule 20 of *Commercial Licensing Regulation 8- Liquor Control Administration* provides:

All wholesaler deliveries of alcoholic beverages to a retail licensee shall be accompanied by an invoice of sale and/or delivery slip, which shall bear as its date the date of delivery of such alcoholic beverages.

6. Rule 30 of *Commercial Licensing Regulation 8- Liquor Control Administration* provides:

All licensees holding Class A, B, B-L, B-T, B-M, C, D, D-L, E, ED or J licenses will preserve, as part of their records, the consignor's bills or sales slips showing each purchase of alcoholic beverages made by the licensee. These records on the forms of the consignors will be kept by the licensees at their licensed premises for one (1) year from the date of each bill of sale or sales slip, and shall at all times be available for inspection by local licensing authorities and/or the Department.

7. Rule 38 of *Commercial Licensing Regulation 8- Liquor Control Administration* provides, in pertinent part:

Possession of unauthorized alcoholic beverages in a licensed premise by the licensee or any of his employees shall be presumptive evidence that said beverages are for sale by the licensee and may result in suspension or revocation of the license.

8. On March 3, 2015, an inspector of the Division found on Respondent's premises alcoholic beverages that were not purchased legally.

9. On March 3, 2015, an inspector of the Division found the Respondent did not have a sign-in as minor book.

10. Based on the foregoing, the Division has reason to believe that Respondent violated R.I. Gen. Laws §§ 3-7-18, and 3-8-6, and Rules 20, 30, and 38 of *Commercial Licensing Regulation 8- Liquor Control Administration*.
11. The Department has sufficient cause to impose an administrative penalty pursuant to R.I. Gen. Laws § 3-5-21.
12. In an effort to resolve the above-referenced violations and allow the 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 laws relating to retail alcohol sales.
 - 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 agrees that a failure to comply with all terms and requirements for licensure as described therein may result in the suspension or revocation of Respondent's license.
 - D. Respondent shall pay a penalty in the amount of \$750.00, by check, payable to the Rhode Island General Treasurer.
 - E. Respondent voluntarily waives its rights to the hearing process, voluntarily waives its right to appeal to Superior Court, admits that the allegations 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.
13. If Respondent fails to comply with the terms of this Consent Agreement, the Department reserves its 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.

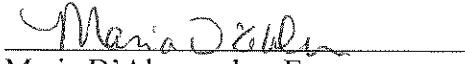
3.

THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

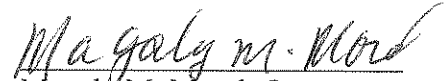
Department of Business Regulation

Respondent

By:



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



Magaly M. Morel, Owner

Date: 4/14/15

Date: 4/9/15