

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDG. 68-1
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920

IN THE MATTER OF :
 :
 :
APPLE VALLEY R.O.B.C.O., INC., :
d/b/a KENTUCKY FRIED CHICKEN/ : DBR No. 19GA009
TACO BELL, :
 :
RESPONDENT. :
 :
 :

CONSENT AGREEMENT

The Department of Business Regulation (the “Department”), Division of Gaming and Athletics (“Division”) enters into this Consent Agreement with Apple Valley R.O.B.C.O., Inc., d/b/a Kentucky Fried Chicken/Taco Bell (the “Respondent”) to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondent that:

1. The Respondent possesses Concessionaire/Vendor License (“License”) No. CV.006841T for its operation of Kentucky Fried Chicken (“KFC”) and Taco Bell fast food restaurant establishments at Twin River Casino (“Casino”).
2. On April 16, 2019, the Department’s Division of Gaming and Athletics (“Division”) conducted an inspection of Respondent and found that Employee 1 and Employee 2 worked on April 14, 2019 when their Non-Facility/Vendor Employee License Applications were not approved.¹ Respondent represents that both Employee 1 and Employee 2 were not working on the aforementioned date, but rather receiving training.
3. Respondent is the signatory to a Consent Agreement dated July 5, 2018, wherein Respondent admitted to, and was fined for, the active employment of two individuals working at the Casino without the requisite licenses. Respondent was fined in the amount of fifteen-hundred dollars (\$1,500.00).
4. On June 18, 2019, the Department issued an *Order to Show Cause* to Respondent.

¹ Employee 1 and Employee 2 are used instead of the individuals’ names to protect their privacy.

Applicable Law

5. Pursuant to R.I. Gen. Laws § 41-4-9.1(a), “All...corporations desiring to operate any concession allied to any dog racing track, shall apply for a license to the division of gaming and athletics licensing, on such forms and in such a manner as prescribed by regulations of the division. The division by regulations shall establish other occupational licensing for all employees of the concessions...”
6. Pursuant to R.I. Gen. Laws § 41-4-9.1(c), “...The Division may reject for good cause an application for a license, and it may suspend or revoke, for good cause, any license issued by it after a hearing held in accordance with chapter 35 of title 42 and subject to further appeal procedures provided by § 41-2-3.”
7. Pursuant to 230-RICR-30-30-2, *Gaming and Athletics, License Applications* (“Regulation”), §2.4(A), “No Person shall engage in any business operation or other activity which requires presence at any Gaming Facility (other than patrons of the Gaming Facility), and no Person shall be employed at any Gaming Facility, without first obtaining a License from the Department.”

Conditions

8. Though the Division maintains that it has the requisite good cause to revoke Respondent’s License pursuant to R.I. Gen. Laws § 41-4-9.1(c), in consideration for the Respondent’s acceptance of responsibility and mitigating circumstance, the parties have agreed to an amicable resolution of the matter without an administrative hearing and the attendant time and costs. As such, the Respondent admits and agrees as follows:
 - a. Respondent will pay an administrative penalty in the amount of two-thousand dollars (\$2,000), in the form of a check or money order made payable to the “RI Office of the General Treasurer,” for permitting Employee 1 and Employee 2 to engage in employment training for Respondent without a license contrary to the requirements of Regulation §2.4(A); and
 - b. Respondent agrees, for a two-year period, to submit monthly employment reports, which will include a list of all its employees, including their corresponding dates of hire and their Department-issued license numbers, beginning June 1, 2019.
9. The Department and Respondent agree that this Consent Agreement and its terms represent the final determination of this matter.

Legal Effects of Consent Agreement

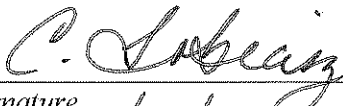
10. *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*

11. *Enforcement.* If the Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein, the Respondent will be in violation hereunder and the Department shall be entitled to immediately to take enforcement or other action in accordance with applicable law.

12. *Compliance; Laws.* Compliance with the terms of this Consent Agreement does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

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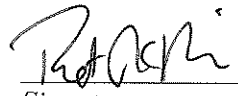
For the Division:



Signature
Date: 7/17/19

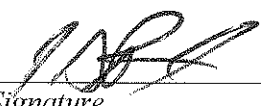
Christina Tobiasz
Gaming and Athletics Administrator
Division of Gaming and Athletics

For the Respondent:



Signature
Date: July 8, 2019

Counsel for the Respondent:



Signature
Date: 7-15-19