

**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

KEVIN BAPTISTA,

RESPONDENT.

:
:
:
:
:
:
:
:

DBR No. 19GA13

CONSENT AGREEMENT

The Department of Business Regulation (the "Department") enters into this Consent Agreement with Kevin Baptista (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. On December 4, 2019, the Respondent submitted an on-line renewal ("Renewal") for his License number GFE.004841T-S ("License"), which was subsequently approved.
2. Respondent answered "Yes" to Renewal question number thirty-nine (39), "Since your last application, has the applicant ever been detained, issued a summons or citation, arrested, charged, indicted or forfeited bail for any criminal offense or violation for any reason whatsoever?" However, no information was included in either the Renewal's answer to questions forty (40), forty-two (42) or forty-three (43), all of which required the following details: the nature of the charge/offense, location of incident, date of charge/offense, name and address, disposition, and sentence.
3. On December 11, 2019, the Department's Division of Gaming and Athletics ("Division") received the Respondent's Bureau of Criminal Identification report dated December 2, 2019, indicating that Respondent had pled nolo contendere to the crime of *Assault on a Person Over 60 Causing Bodily Injury* on May 13, 2019 and received a sentence of five years suspended with probation in P2-2019-0746AG.
4. Respondent's License reflects a licensing cycle of January 1, 2020 to December 31, 2022.
5. Pursuant to R.I. Gen. Laws § 41-4-9.1(c), the Division of Gaming and Athletics ("Division") 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."

Conditions

6. Though the Division maintains that it has the requisite good cause to suspend or revoke Respondent's License pursuant to R.I. Gen. Laws § 41-4-9.1(c), in consideration for Respondent's employer's affirmative acknowledgement of the substance of paragraph three in combination with the length of Respondent's eleven (11) year discipline-free employment, the parties have agreed to an amicable resolution of the matter without an administrative hearing and the attendant time and costs. As such, the following are the conditions under which the Department will grant Respondent a Conditional License:
 - a. Respondent's Conditional License will run for the entire period of Respondent's current licensing cycle ("Conditional Licensing Period") and any subsequent License renewals may result in an additional conditional licensing periods until Respondent's sentence in P2-2019-0746AG has been completed;
 - b. During the Respondent's Conditional Licensing Period, he will remain free of any arrests, charges or allegations of criminal conduct, civil violations, and/or probation violations;
 - c. Respondent will report any arrests, charges or allegations of criminal conduct, civil violations, and/or probation violations or violations within twenty-four (24) hours of their occurrence to the Department by e-mail or phone call to Christina Tobiasz, Gaming and Athletics Administrator, Division of Gaming and Enforcement;
 - d. If the Respondent incurs any arrest, charge or allegation of criminal conduct, civil violation, and/or probation violation during his Conditional Licensing Period, the Department may immediately suspend or revoke his License.
7. The Department and Respondent agree that this Consent Agreement and its terms represent the final determination of this matter.


Legal Effects of Consent Agreement

8. *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.*
9. *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.

10. *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.


[SPACE INTENTIONALLY LEFT BLANK]

For the Division:


Signature
Date: 1/17/2020

Christina Tobiasz
Gaming and Athletics Administrator
Division of Gaming and Athletics

For the Respondent:


Signature
Date: 1/17/20

Kevin Baptista