

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

XIAO HONG CAO,

RESPONDENT.

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DBR No. 19GA001

CONSENT AGREEMENT

The Department of Business Regulation (the “Department”) enters into this Consent Agreement with Xiao Hong Cao (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. Respondent holds Rhode Island Non-Facility Employee Renewal License # CVE.0010062 (“License”). Respondent’s License was erroneously granted by e-mail on December 27, 2018, and a Notice Letter sent to Respondent dated January 1, 2019.
2. On January 3, 2019, the Respondent pled *nolo contendere* to two amended counts of misdemeanor simple assault and received a one-year probationary sentence in P2-2018-0866A. When Respondent submitted her application for license renewal, she incorrectly answered question twenty-three (23), the correct answer to which would have alerted the Department to the Respondent’s November 28, 2017 arrest, which led to the plea described above.
3. Based on the foregoing, the Department issued an Order to Show Cause (“OSC”) dated January 23, 2019. The Department and the Respondent conducted a pre-hearing conference on February 12, 2019, wherein the terms of this agreement were discussed.

Applicable Law

4. Pursuant to R.I. Gen. Laws § 41-4-9.1(c), the 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

5. 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 the Respondent's lack of criminal history, lack of Departmental disciplinary history for the six (6) years of employment with her current employer, and her acceptance of responsibility 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. During the Respondent's one-year probationary sentence for P2-2018-0866A, she will remain free of any arrests, charges or allegations of criminal conduct, civil violations, or probation violations;
 - b. Respondent will report any arrests, charges or allegations of criminal conduct, civil violations, or probation violations within twenty-four (24) hours of their occurrence to the Department by e-mail or phone call to Christina Tobiasz, Chief Licensing Examiner, Division of Gaming and Enforcement;
 - c. If the Respondent remains free from any arrests, charges or allegations of criminal conduct, civil violations, or probation violations for the duration of her criminal probationary period, thereafter her Conditional License will become permanent for the remainder of her licensing period.
 - d. If the Respondent incurs any arrest, charge or allegation of criminal conduct, civil violation, or probation violation during her criminal probationary period, the Department may immediately suspend or revoke her License.
6. The Department and Respondent agree that this Consent Agreement and its terms represent the final determination of this matter.

Legal Effects of Consent Agreement

7. *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.*
8. *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.

9. *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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Christina Tobiasz

Signature

Date: 2/27/19

Christina Tobiasz
Chief Licensing Examiner
Division of Gaming and Athletics

Xiao Hong Cao

Signature

Date: 2-26-2019

Xiao Hong Cao

Translated By: [Signature]

Signature

Date: 2/26/2019

Emily Yu