

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
ENRIQUE OQUENDO,
RESPONDENT.

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DBR No. 19GA002

CONSENT AGREEMENT

The Department of Business Regulation (the "Department") enters into this Consent Agreement with Enrique Oquendo (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 held License # GFE.0010449-S ("License") from February 25, 2016 to December 31, 2018.
2. On December 14, 2018, the Department received Respondent's License renewal application, wherein Mr. Oquendo responded "Yes" to the following question:

(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?"
3. In his answer to question thirty-nine (39), Respondent reported the details of his arrest on October 13, 2018.
4. The Department issued an *Order to Show Cause* on January 24, 2019. Thereafter, the parties engaged in one pre-hearing conference held on February 12, 2019 and had several in-person meetings and communications wherein mitigating circumstances were discussed.
5. The Respondent submitted documentation confirming the mitigating circumstances, which the Department verified, and now seeks to have his License renewed.

Applicable Law

6. 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

7. Though the Division maintains that it has the requisite good cause to deny Respondent’s License renewal 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, his acceptance of responsibility, his compliance with Departmental inquiries, and his verified submission of mitigating circumstances, 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 License will be conditionally renewed for the period of one year (“conditional licensing period”) from the date of the execution of this agreement, and during that conditional licensing period the Respondent 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, Gaming and Athletics Administrator;
 - c. If the Respondent remains free from any arrests, charges or allegations of criminal conduct, civil violations, or probation violations for the duration of his conditional licensing period, thereafter his Conditional License will become permanent for the remainder of his licensing cycle.
 - d. If the Respondent incurs any arrest, charge or allegation of criminal conduct, civil violation, or probation violation during his conditional licensing period, the Department may immediately suspend or revoke his License.
8. The Department and Respondent agree that this Consent Agreement and its terms represent the final determination of this matter.

Legal Effects of Consent Agreement

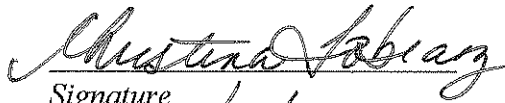
9. *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an

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.*

10. *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.
11. *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: 6/13/19

Christina Tobiasz
Gaming and Athletics Administrator
Division of Gaming and Athletics

For the Respondent:



Signature

Date: 6/13/19

Enrique Oquendo

CERTIFICATION

I hereby certify that on this 13th day of January 2019, a true copy of this Consent Agreement was hand-delivered and sent by first-class mail, postage prepaid to:

Enrique Oquendo

Enrique Oquendo
23 Southwick Dr.
Lincoln, RI 02865

And by e-mail to:

1. Catherine Warren, Esq., Hearing Officer;
2. Christina Tobiasz, Chief Licensing Examiner Gaming & Athletics;
3. Sara Tindall-Woodman, DBR Senior Legal Counsel;
4. Respondent (oquendo.e@gmail.com).

Amij. M.