

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND

The Rack, Inc. d/b/a Smoke,
Appellant,

v.

City of Providence, Board of Licenses,
Appellee.


DBR No.: 12-L-0017

ORDER OF DISMISSAL

On or about October 17, 2014, the undersigned was substituted as hearing officer by the Director of the Department of Business Regulation (“Department”) for the above-captioned matter. A review of this matter indicated that pursuant to R.I. Gen. Laws § 3-7-21, The Rack, Inc. d/b/a Smoke (“Appellant”) had appealed a decision by the Providence Board of Licenses to the Department in January, 2012. This 2012 appeal was dismissed by order of the Department dated February 10, 2012. In November, 2011, the Department has dismissed a similar appeal (DBR Case No. 11-L-0098) by the same Appellant. That November, 2011 dismissal was appealed by the same appellant to Superior Court. No action was taken by Appellant on the 2012 dismissal. Upon being substituted in as hearing officer, the undersigned confirmed with the parties’ attorneys that there were no outstanding issues related to this 2012 appeal. Therefore, as a result of the foregoing and upon due consideration thereof, it is hereby ordered as follows that this matter is dismissed with prejudice.


As recommended by:

Date: 11/29/14


Catherine R. Warren
Hearing Officer

I have read the Hearing Officer's recommendation and I hereby ~~ADOPT~~ **REJECT** the recommendation of the Hearing Officer in the above-entitled Order of Dismissal.

Date: 25 Nov 2014


Paul McGreevy
Director

Entered as an Administrative Order No.: 14-64 this 26th day of November, 2014.

NOTICE OF APPELLATE RIGHTS

THIS DECISION CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify on this 26th day of November, 2014 that a copy of the within Decision was sent by first class mail, postage prepaid to Peter Petrarca, Esquire, Petrarca & Petrarca, 330 Silver Spring Street, Providence, RI 02904 and Mario Martone, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, RI 02903 and by hand delivery to Maria D'Allesandro, Deputy Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Bldg. 68-69, Cranston, RI 02920.

