STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920

Prada Lounge, LLC d/b/a Prada Lounge, **Appellant,**	
v.	**DBR No.: 17LQ003**
City of Providence, Board of Licenses, **Appellee,**	
and	
333 Atwells Condominium Association et al.[1] **Intervenors.**	

DECISION

I. INTRODUCTION

On or about March 8, 2017, the Providence Board of Licenses ("Providence" or "Board") denied the Prada Lounge, LLC d/b/a Prada Lounge's ("Appellant") application for a class BV liquor license ("License"). Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant appealed the Board's denial to the Director of the Department of Business Regulation ("Department"). On March 12, 2017, the motion of the above-captioned intervenors ("Intervenors") to intervene in this appeal was granted On May 12, 2017, a pre-hearing conference was held. A hearing was held on July 7, 2017[2] before the undersigned sitting as a designee of the Director. The parties were represented by counsel and rested on the record.

[1] The other parties are 333 Atwells Residential Condominium Association, Retail A Holdings, LLC, Robert and Charlene Terino, Gary Garafano and Christine Garafano, Joan Verado, Bernard Jackvony, as Trustee of Sharon A. Jackvony Living Trust dated November 18, 2003.

[2] The transcript of the Department hearing was received on July 24, 2017.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant to R.I. Gen. § 3-5-1 *et seq.*, R.I. Gen. Laws § 3-7-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

III. ISSUE

Whether the Board appropriately denied the Appellant's application for License on the basis of a legal remonstrance pursuant to R.I. Gen. Laws § 3-7-19(a).

IV. MATERIAL FACTS AND TESTIMONY

The first hearing before the Board was held on December 28, 2016 at which time the hearing was closed. On January 9, 2017 when the Board was to make a decision, the Intervenors raised the issue of an incorrect radius map. The Board continued the hearing to January 23, 2017 to review the new map. The hearing was continued again to February 27, 2017 to notify five (5) properties that had not been previously noticed. The Intervenors moved to dismiss the matter because of improper notice. The Appellant argued that as only a few lots were not noticed and there had been constructive notice via advertising, the matter should not be re-heard. The Board re-opened the hearing for a *de novo* hearing. The Board denied the motion to dismiss and held a new hearing on February 27, 2017. See City's Exhibits One (1) (objections filed by December 28, 2016); Two (2) (objections filed after December 28, 2016); and Three (3) (Board's certified record). See Intervenors' Exhibit One (1) (their map) and Appellant's Exhibit Two (2) (its map). The parties agreed that Appellant's Exhibit Two (2) was the correct map for notification. See also Intervenors' Exhibit Two (2) (summary of street, area, affidavit objections, calculations).

Before the Department, Robert Terino testified on behalf of the Intervenors. He testified that he visited everyone in the neighborhood, and the group was able to hire a lawyer. He testified that he is a notary public, that he obtained many of the affidavit signatures, that they were sworn before him, and he knew the people signing the affidavits. On cross-examination, he testified that he did not ask for people's license when they signed. On re-direct, he testified that he knew everyone, but sometimes after meeting them.

V. DISCUSSION

A. De Novo Hearing

The Rhode Island Supreme Court held *Hallene v. Smith*, 201 A.2d 921, 925 (R.I. 1964) as follows:

> We conclude then that § 3-7-21 contemplates not an appeal, but a proceeding to transfer or remove a cause from the jurisdiction of a local board to that of the state tribunal that may be invoked whenever a local board acts adversely to the license under consideration. When this provision is properly invoked, it transfers the jurisdiction of the cause from the local board to the administrator by operation of law, and the cause then pending before the administrator is entirely independent of and unrelated to the cause upon which the local board acted. Error of law or fact inhering in the latter proceeding is without legal consequence on the jurisdiction of the administrator. When it is pending before the administrator on a hearing de novo, the cause is precisely the same as when it stood before the local board prior to its removal. The issue therein is the same, and the posture of the parties remains the same as that in which they stood before the local board. In short, the cause, when removed to the jurisdiction of the administrator, stands as if no action thereon had been taken by the local board.

While a liquor appeal to the Department is a *de novo*, the Department has broad authority and is considered a "super-licensing board which as such had the right in its sound discretion to hear cases de novo, either in whole or in part." *Kaskela v. Daneker*, 76 R.I. 405, 407 (R.I. 1950). Thus, because of the Department's broad authority over an appeal the parties may rest on the record below or choose to re-try the complete case or choose to

supplement the record below. Therefore, a local authority could find a legal remonstrance and if that finding is appealed, the local authority could rest on the record below that such a legal remonstrance exists and if a legal remonstrance exists then no appeal can be heard. *Elmwood Tap v. Daneker*, 82 A.2d 860 (R.I. 1951) (Department without jurisdiction to hear appeal since legal remonstrance established). Nonetheless, since an appeal is *de novo*, the issue of a legal remonstrance can be heard for the first time on appeal. See *Meeting Street and MSC Realty v. Providence Board of Licenses*, DBR No. 06-L-0167 (8/8/07).[3] In this instance, the Board found a legal remonstrance and on appeal the Board and the Intervenors argued that there is a legal remonstrance.

B. Legislative Intent

The Rhode Island Supreme Court has consistently held that it effectuates legislative intent by examining a statute in its entirety and giving words their plain and ordinary meaning. *In re Falstaff Brewing Corp.*, 637 A.2d 1047, 1049 (R.I. 1994). The Rhode Island Supreme Court has also established that it will not interpret legislative enactments in a manner that renders them nugatory or that would produce an unreasonable result. See *Defenders of Animals v. Dept. of Environmental Management,* 553 A.2d 541 (R.I. 1989). In cases where a statute may contain ambiguous language, the Rhode Island Supreme Court has consistently held that the legislative intent must be considered. *Providence Journal Co.*

---

[3] There is no statutory requirement for the Department to notify the abutters regarding a municipal liquor appeal hearing including a legal remonstrance appeal. The statutory requirement is that notice must be given to abutters of the local hearing. R.I. Gen. Laws § 3-5-17. The Department is an appellate authority and has no advertising requirements or notice requirements. See *Harris v. Sarkas*, 1976 WL 177186 (R.I. Super.). If a local authority has found a legal remonstrance, it can rely on the record below or if it needs to bring in abutters to the appeal hearing then the local authority would bring in the abutters. If abutters appeal a grant of a license and seek to prove a legal remonstrance at the Department hearing, it is their responsibility to bring in the relevant abutters, etc. See *Meeting Street* (abutters moved to find a legal remonstrance and a hearing was held thereon). See also *North Main d/b/a Pirates Den v. Providence Board of Licenses, et al.*, DBR No. 09-L-0130 (4/2/10) (abutters intervened for purpose of demonstrating a legal remonstrance).

v. Rodgers, 711 A.2d 1131, 1134 (R.I. 1998). The statutory provisions must be examined in their entirety and the meaning most consistent with the policies and purposes of the legislature must be effectuated. *Id.*

C. Legal Remonstrance

R.I. Gen. Laws § 3-7-19[4] provides that if the owners of the greater part of the land within 200 feet of the building object to the issuance of Class BV liquor license, said license cannot issue. A legal remonstrance is established if the owners of more than half of the square footage of the 200 feet radius object to the granting of certain liquor licenses.

In *Elmwood Tap v. Daneker*, 82 A.2d 860 (R.I. 1951), the Rhode Island Supreme Court upheld the Department's[5] finding that it was without jurisdiction to hear an appeal of liquor license denial because a legal remonstrance had been established. In that matter, the Department received in evidence 1) written evidence of the plat showing the streets and boundaries of the lots of land within the 200 feet radius as well as a list of addresses and a written remonstrance of the signatures and addresses of those claiming to be owners of the property objecting to the license; 2) testimony of police officers who interviewed neighbors to confirm ownership and objections; and 3) testimony of a number of people who objected in person to the granting of the application. A tabulation of the square feet demonstrated

---

[4] R.I. Gen. Laws § 3-7-19(a) states as follows:

> Objection by adjoining property owners – Proximity to schools and churches. – (a) Retailers' Class B, C and I licenses under this chapter shall not be issued to authorize the sale of beverages in any building where the owner of the greater part of the land within two hundred feet (200') of any point of the building files with the body or official having jurisdiction to grant licenses his or her objection to the granting of the license, nor in any building within two hundred feet (200') of the premises of any public, private, or parochial school or a place of public worship. In the city of East Providence, retailer's Class A licenses shall not be issued to authorize the sale of beverages in any building within five hundred feet (500') of the premises of any public, private, or parochial school or a place of public worship.

[5] This decision (and others) refers to the Liquor Control Administrator rather than Department. However, that position is now handled by the Department rather than being a specific title within the Department so the undersigned will for clarity refer to the Department in discussing this decision (and others).

that the owners of a majority of the land objected to the granting of the license. The appellant in that matter argued that the objectors who appeared in person did not own sufficient land to establish a legal remonstrance. However, the Court found as follows:

> In the circumstances herein outlined there was uncontradicted evidence, either direct or by reasonable inference, to warrant the administrator in holding that the objectors had established a legal remonstrance and that therefore he was without jurisdiction by force of the statute. If petitioner deemed the evidence with reference to the areas owned by objectors insufficient as a matter of fact, it was free to produce evidence to the contrary, which it did not do. On the record before us we find no error in the action taken by the administrator. *Id.*, at 862.

In *The Castle, 19 Greenough Place, Inc. v. Mayor of Newport*, 9 A.2d 710 (R.I. 1939), a legal remonstrance was not established because there was no proof that the objectors owned the greater part of the land within a 200 feet radius because there was no evidence of the addresses or any other designation of the property owned or where it was located so that it could not be determined if the owners of a greater part of the land within 200 feet objected to the granting of the land. In that case, the local licensing authority had erroneously found that a majority of the owners objected to the license rather than determining whether the objectors owned the greater part of the land within the 200 feet radius.

In *Edward W. Smith Estates, Inc. v. O'Dowd*, 174 A.2d 676, 678 (R.I. 1961), the Rhode Island Supreme Court addressed the issue of corporations objecting pursuant to R.I. Gen. Laws § 3-7-19. The Court found as follows:

> The petitioners' second contention [legal remonstrance argument] is likewise without merit. They concede that if Edward W. Smith Estates, Inc. and Westerly Shopping Center, Inc. are not proper remonstrants, then the remaining remonstrants represented in the hearing are not the owners of more than one half of the property within 200 feet of the licensed premises. It is elementary that no stockholder, even if he possesses all of the stock, can speak for the corporation as such. Nor is it material that such a stockholder is an officer. In

> the absence of official action by its board of directors or such other authority as the charter or by-laws may provide, it cannot be said that a corporation has taken a position such as that claimed by petitioners. Although Edward W. Smith testified that he owned the corporation and was its president and treasurer, he offered no testimony that the corporation had voted to oppose the granting of the license in issue. There was no testimony whatsoever in the matter of Westerly Shopping Center, Inc. other than that given by Smith in support of the written remonstrance signed 'Westerly Shopping Center, Inc. By Madelyn E. Gould President.' However, he admitted having no knowledge as to any action taken by the corporation authorizing its president to record its objection.

The Superior Court in applying *Edward W. Smith* to a legal remonstrance argument pursuant to R.I. Gen. Laws § 3-7-19 found that written objections from the Newport Art Museum and Newport Housing Authority based on a legal remonstrance "lack[ed] the requisite form to make them legally binding because there was no evidence of any corporate action authorizing the executive directors to remonstrate against the granting of a liquor license." *City of Newport v. Department of Business Regulation*, 1988 WL 1017311 at 2. The Superior Court found that the Department was correct in finding that both those objections were "defective in that there was no evidence that the writers of the objections had the requisite corporate authority." *Id.*, at 3.

In *Edward W. Smith*, no one testified on behalf of Westerly Shopping Center, Inc. and instead only a written remonstrance from Westerly Shopping Center, Inc. was filed and signed by "Madelyn E. Gould, President." There was testimony from Edward W. Smith Estates, Inc. in that Edward W. Smith testified against the license but there was no testimony that said corporation had voted to oppose the license. Therefore *Edward W. Smith* found that it could not be found that the corporations had taken the position as argued by the petitioners. In the Superior Court case of *City of Newport*, the Court found that there was no evidence (written or oral) supporting the written objections.

Therefore, in this matter, it is necessary to find that the objectors own land within the 200 feet radius of the Appellant's location and if necessary, that such owners and/or witnesses were authorized to speak on behalf of the ownership entity. Such evidence could include testimony and/or affidavits that a member of a LLC is authorized to speak on behalf of the LLC or that an officer of a corporation is authorized to speak on behalf of the corporation. In terms of an apartment building, the owner of the building who owns the land upon which the building sits would be the one objecting in order to establish a legal remonstrance. In terms of a condominium building, the question is who owns the land upon which the building sits. If the condominium association owns the land, the association would speak for the land. In *Elmwood Tap,* there was direct oral testimony from witnesses that either owned the land or were authorized to speak for the owners. It is not expected that police officers will verify ownership within the 200 foot radius like in *Elmwood Tap*, but in order to establish a legal remonstrance there needs to be a finding that those objecting are owners or authorized to speak on behalf of the owners.

It should be noted that in determining whether a legal remonstrance exists, the reasons for an objection to the granting of a liquor license do not matter. All that is required under the statute is an objection. In determining an objection, the local authority just needs to calculate the square footage and whether the owners of more than half of the square footage of the land within the radius object to the granting of the license.

D. Arguments

The Intervenors argued that the Board should have dismissed this matter because of the initial defective notice to some abutters. The Intervenors argued that the City land included in the radius map should not be included in the calculations required for a legal

remonstrance because the City has no chance to object as the City Council does not have such authority to from the General Assembly. The Intervenors argued that the objections to the application do not have to be notarized. The Intervenors argued that the statute does not speak about emails, but only that an abutter needs to file an objection. The Intervenors argued that a stamp is not required on affidavits and they are not relying on emails, but have provided more than is statutorily required in terms of objections.

The Appellant argued that the Board should not have considered any evidence after December 28, 2017 so that nothing in City's Exhibit Two (2) should be included. The Appellant argued that while the objectors as delineated in Intervenors' Exhibit Two (2) represent about 51% of the land, if any of its objections are upheld, the ownership goes below 50%. The Appellant argued there is no basis in case law not to include the City land in the calculations. The Appellant objected to those affidavits notarized by Terino because he is a party and an intervenor so is not an unbiased third party. The Appellant objected to any affidavit that was not stamped and did not have a notary's indication. The Appellant argued that a legal remonstrance is a burden for businesses and the burden is supposed to be on the neighbors so the objections have to be more than by email.

The City argued that there is already a substantial burden on the neighbors to obtain to over 50% objections. The City argued that a notary does not need a stamp or a seal, but rather just the name of notary and when their commission expires.

E. Whether a Legal Remonstrance Exists

There was no dispute that the properties in Intervenors' Exhibit Two (2) were all within the 200 feet radius and that a proper radius map was eventually provided to the Board and notice given to those abutters for the hearing below.

1. The Board Reopening the Hearing

The Appellant objected to the Board re-opening the hearing. The Board as a quasi-judicial body has the inherent power to reconsider its judicial act in light of new evidence. See *Perrotti v. Solomon*, 657 A.2d 1045 (R.I. 1995); and *In Re Denisewich*, 643 A.2d 1194 (R.I. 1994). Here, the Board discovered that the statutorily required notice to be given to the abutters had been improper in some instances. While there was no error by the Board in re-opening its own hearing, if there had been, it would not matter as any alleged error of law or fact committed by a municipal is of no consequence as the appeal to the Department is *de novo*. *A.J.C. Enterprises v. Pastore*, 473 A.2d 269 (R.I. 1984) See also *Cesaroni v. Smith*, 202 A.2d 292 (R.I. 1964) (*de novo* hearing is unaffected by any error by local board). There is no basis not to include City's Exhibit Two (2) in the Department's decision.

2. City Land

The Intervenors argued that City land should not be included in the calculations of ownership as the City does not have authority to object or not object to a license application. There is nothing in the statute that exempts City land or any kind of land from the calculations for a legal remonstrance. The Department will not read an exemption into the statute where none exists.

3. Notary Publics

The Intervenors presented affidavits from abutters who objected to the granting of the License. It was undisputed that if all the objections contained in Intervenors' Exhibit Two (2) were accepted, the objections totaled 51% of the land (including the City land). The Appellant sought to knock out objections based on some of the affidavits not having stamps or seals. There is no requirement that Rhode Island notary publics use stamps or

seals when notarizing a document. A notary is to sign the document and include the words "Notary Public" and include his or her expiration date.[6]

The Appellant also argued that Terino was a party to this matter so could not be notary for the objectors as he was biased. There is no evidence that Terino manufactured any of the affidavits. There is no statutory or regulatory bar against him being a notary for the objectors while also being a party to this matter. Indeed, he testified that he spoke and met all the objectors who signed in front of him.

4. Objections and Affidavits

The Appellant objected to the affidavit signed by Maria C. Ricciotti as the trustee of the Maria C. Riccioatti Revocable Trust. The Appellant argued that there is no authorization by the trust or anything in the affidavit that Maria C. Ricciotti was authorized to speak on behalf of trust. However, Maria C. Ricciotti is the trustee for the trust listed as owners. There is no evidence that as trustee she cannot object to the application for License.[7] The Appellant raised objections to the affidavits from Jeanne Gemma Petteruti for Gemma Realty and William Padula for Bill-Con Rentals and 361 Atwells Ave. LLC. Authorizations for Gemma Realty and Bill-Con Rental and 361 Atwells Ave. LLC are contained in City's Exhibit Two (2) so they were properly authorized.

The Appellant objected to DiGiulio Trust objection as the affidavit dated June 13, 2017 only had one signature and the other non-notarized objection dated March 31, 2017

---

[6] See *Rules of Practice and Procedure for Investigating, Prosecuting, and Adjudicating Allegations Against Notaries Public* which includes Executive Order 09-25 for *Standards of Conduct for Notaries Public in the State of Rhode Island.* See www.sos.ri.gov. In addition, see the frequently asked questions on the secretary of state's office website regarding the use of seals by notary publics.
http://www.sos.ri.gov/divisions/Notary-Public/become-a-notary/faq

[7] At the Department hearing, it does not appear the Appellant objected to the Andrew Surabian affidavit in which he represented that he was the sole shareholder and his action was authorized by consent of the shareholder. This consent is contained in City's Exhibit Two (2).

was signed by both trustees. The Appellant argued that no authorization was shown for the trustees. A review of City's Exhibit Two (2) show that the DiGiulo trust was not listed as objecting before the Board and the property was not considered in the City's calculation. In Intervenors' Exhibit Two (2), the affidavit and objection are included. However, it appears that this trust was not included in the Intervenors' calculations based on the spreadsheet in Intervenors' Exhibit Two (2). The trust's 2100 footage is not listed on the spreadsheet under objections received and based on the calculations made for the objection totals, it was not included in that total. Thus, while there is enough evidence to accept the objection by said trust, even if it was not accepted, it would not affect the percentages.

The Appellant objected to the affidavits of objection of Marotta, LLC, Don Jose Realty, Louis DiCola Trust, the Sharon A. Jackvony Living Trust, and the Tawfik F. Hawwa Revocable Trust in relation to whether consent had been obtained of the various entities. The pertinent consents are included in City's Exhibit Two (2).

The Appellant objected to the objection by 333 Retail A Holdings, LLC ("333 Retail") as there was no authorization for Cathedral Development, Inc., the sole shareholder of 333 Retail. However, there is a consent for the sole member (Cathedral) of 333 Retail to act on behalf of 333 Retail and object to the application. See Intervenors' Exhibit Two (2) (affidavit from Scott Gandreau in his capacity on behalf of Cathedral) and City's Exhibit Two (2) (consent of the sole shareholder of 333 Retail to act against the application). There is enough evidence that 333 Retail is the owner of the property and was authorized to object to the application.

The Appellant objected to Vincent Grimaldi's objection as it was not signed by his wife. The Intervenors argued that the Grimaldis own the property as tenants by the entirety

so that they own the property as one person. See Intervenors' Exhibit Five (5) (deed).[8] While the Grimaldis could not sell the property without the consent of both of them, here the objection to the application is enough evidence of objection even if only one signs it. Nonetheless, a review of the spreadsheet and objections received show that their property apparently was not included in the calculation (not under objections received) so that there is enough for a legal remonstrance without it. See Intervenors' Exhibit Two (2). Thus, while there is enough evidence to show an objection by said trust, even if it was not accepted, it would not affect the percentages.

The Appellant objected to Amine Ghanem's objection as not being an affidavit. Her objection was signed by her and witnessed by Terino. A copy of the deed showing her ownership of the condominium is included as well in Intervenors' Exhibit Two (2). There is enough evidence showing her ownership and objection. The Appellant objected to the objection from Nancy Thomas as not being an affidavit. However, it was signed by her and witnessed by a notary public. It indicated that she is in unit 305. It not disputed that she owns that unit in the condominium property based on the notice given the abutters. See Intervenors' Exhibit Two (2).[9]

It should be noted that there is an objection in the form of an affidavit from Margaret Meany in Intervenors' Exhibit Two (2) and her property is not listed on objections received so apparently was not calculated as part of the remonstrance. If this property is included in the calculations, the percentage objecting would increase.[10]

---

[8] This exhibit was initially labeled as Intervenors' Exhibit Four (4), but is being renumbered to Exhibit Five (5) as there is another Intervenors' Exhibit Four (4).

[9] Even if this property was not accepted, it would not change the result.

[10] This is also true for the Grimaldis, and DiGiulio Trust which also objected, but were not included in the objection calculations. When the Grimaldis, the DiGiulio Trust, and Margaret Meany are included, the percentage objecting is almost 59%.

5. Condominium Percentages

The issue of how to calculate objections from condominiums have been raised in a prior Department decision. See The *305 Cigar Bar & Lounge, Inc. v. Providence Board of Licenses,* 14LQ058 (2/15/15). In that decision (regarding the same location), the square footage of each condominium was added to the square footage of the radius. The Department remanded that matter to the Board so that a proper calculation of the radius footage could be made. The square footage is to be of the land and not the buildings. In this matter, the Intervenors submitted an affidavit explaining how the ownership of the condominium square footage at 333 Atwells Avenue was allocated based on the ownership percentages of the various condominium owners. See Intervenors' Exhibit Four (4) (affidavit with deed attachment explaining ownership percentages and calculations). Neither the City nor the Appellant objected to those calculations. There is no reason not to accept those as the ownership percentage of the land owned by said condominium.

F. Conclusion

In this type of matter, there needs to be evidence that the person or owner objecting is the owner of the property and in certain situations is authorized to object. This can be done by testimony or some kind of statement such as an affidavit. In this matter, like in *Elmwood Tap*, there was testimony from witnesses (below and at the Department) and written evidence that the objectors either owned the property or were authorized to speak for the owners. As in *Elmwood Tap*, there was no evidence produced to show otherwise.

On the basis of the proceedings before the undersigned, the Intervenors and the Board established a legal remonstrance pursuant to R.I. Gen. Laws § 3-7-19 and case law.

VI. FINDINGS OF FACT

1. On or about March 8, 2017, Providence denied the Appellant's application for a License.

2. Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant appealed that decision by Providence to the Director of the Department.

3. A hearing was held before the Department of July 7, 2017 with the parties resting on the record.

4. The facts contained in Section IV and V are reincorporated by reference herein.

VII. CONCLUSIONS OF LAW

Based on the testimony and facts presented:

1. The Department has jurisdiction over this matter pursuant to R.I. Gen. § 3-5-1 *et seq.*, R.I. Gen. Laws § 3-7-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

VIII. RECOMMENDATION

Based on the above analysis, the Hearing Officer recommends that it be found that a legal remonstrance has been established and that Board's decision denying this application for License on the basis of a legal remonstrance be upheld as there is no jurisdiction to grant this License.

Dated: 8/24/17

Catherine R. Warren
Hearing Officer

ORDER

I have read the Hearing Officer's Decision and Recommendation in this matter, and I hereby take the following action with regard to the Decision and Recommendation:

✓ ADOPT
_____ REJECT
_____ MODIFY

Dated: 8/24/17

Scottye Lindsey
Director

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 25 day of August, 2017 that a copy of the within Order was sent by email and first class mail, postage prepaid, to the following: Mario Martone, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, R.I. 02903, Nicholas Hemond, Esquire, DarrowEverett, LLP, One Turks Head Place, Providence, R.I. 02903, and Louis A. DeSimone, Jr., Esquire, 703 West Shore Road, Warwick, R.I. 02889 and by hand-delivery to Maria D'Alessandro, Deputy Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Building 69-1, Cranston, R.I. 02920