

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE CENTER  
1511 PONTIAC AVENUE, BLDG. 69-1  
CRANSTON, RHODE ISLAND 02920-0942

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IN THE MATTER OF :  
:   
COPLEY DISTRIBUTORS, INC. : DBR No. 08-15  
:   
RESPONDENT :  
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CONSENT AGREEMENT

It is hereby agreed between the Commercial Licensing and Racing and Athletics Division (“Division”) of the Department of Business Regulation (“Department”) and Copley Distributors, Inc. (“Respondent” or “Copley”) as follows:

1. Respondent holds a Class B wholesale license for the sale of alcoholic beverages pursuant to R.I. Gen. Laws § 3-6-10.
2. R.I. Gen. Laws § 3-6-17 provides that a violation of any provision of this chapter is punishable, upon conviction by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety (90) days.
3. R.I. Gen. Laws § 3-6-10 provides, in pertinent part: “A wholesaler’s license, Class B, authorizes the holder to keep for sale and to sell malt and vinous beverages and distilled spirits at wholesale, at the place described in the license, to holders of licenses under this title”.
4. On February 12, 2008, Charles Fradin, Inc., a Rhode Island corporation and the holder of a wholesale Class B license merged with and into

Copley, with Copley being the surviving entity of the merger. Upon the merger, pursuant to the Articles of Merger filed with the Rhode Island Secretary of State, the name of Copley was changed to "Horizon Beverage Company of Rhode Island". No other changes were made to the corporate entity as the result of the merger. The Division was not notified of this merger until the Respondent filed its application for Alcoholic Beverage License by Corporation on April 30, 2008. It is the position of the Division that the untimely notification by the Respondent is in violation of Rhode Island General Laws § 3-6-10.

5. It is further the position of the Division that the Respondent began holding itself out to the public, including advertising in trade journals, as "Horizon Beverage" a duly licensed wholesaler with a Class B license in violation of R.I. Gen. Laws § 3-6-10.

6. Based on the foregoing, the Department believes there is sufficient cause to impose an administrative penalty for violations of R.I. Gen. Laws §§ 3-6-10 pursuant to R.I. Gen. Laws § 3-6-17.

7. In an effort to resolve the above and allow Respondent to maintain its license in good-standing, Respondent agrees to the following:

a. Respondent understands that the Department is charged with protecting the public by ensuring that its Licensees are competent and trustworthy and are reasonably familiar with the statutes and law relating to alcoholic beverages;

b. Respondent neither admits nor denies the allegations contained herein but agrees to take all necessary action as delineated in this Consent Agreement in order to maintain its license in good-standing;

c. Respondent shall pay upon signing this Consent Agreement an

administrative assessment in the amount of \$1000.00 in settlement of the above.

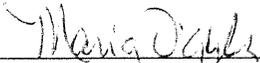
d. Respondent agrees to voluntarily waive its right to a hearing and voluntarily waives its right to appeal to Superior Court.

8. If Respondent fails to comply with the terms of this Consent Agreement, the Department reserves its right to initiate the administrative hearing process to suspend or revoke Respondent's license pursuant to R.I. Gen. Laws §§ 3-6-17 and 42-35-9.

THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation

Respondent: Copley Distributors Inc.

  
\_\_\_\_\_  
By: Maria D'Alesandro, Esq.  
Associate Director

  
\_\_\_\_\_  
By: Michael Epstein  
Vice-President – Operations,  
General Counsel

Date: 7/7/08

Date: 7/3/08

OUR NEW ADDRESS IS:

JOHN O. PASTORE CENTER  
1511 PONTIAC AVENUE-BLDG. 69-1  
CRANSTON, RI 02920-0942

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