

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
233 RICHMOND STREET
PROVIDENCE, RHODE ISLAND 02903

IN THE MATTER OF :
 :
 :
D&M Liquors, Inc. d/b/a :
Alpine Wine & Spirits :
 :
RESPONDENT. :
 :

CONSENT AGREEMENT

It is hereby agreed between the Commercial Licensing & Racing & Athletics Division (Division) of the Department of Business Regulation (“Department”) and D&M Liquors, Inc. d/b/a Alpine Wine & Spirits (“Respondent”) as follows:

1. Respondent holds a Class A license for the retail sale of alcoholic beverages pursuant to R.I. Gen. Laws § 3-7-3.

2. R.I. Gen. Laws § 3-5-21 provides that every license is subject to revocation or suspension and a licensee is subject to fine by the Department, on its own motion, for breach by the holder of the license of the conditions on which it was issued or for violation by the holder of the license of any statute, rule or regulation applicable.

3. R.I. Gen. Laws § 3-7-3 provides:

The holder of a Class A license, if other than a person entitled to retail, compound, and dispense medicines and poisons, shall not on the licensed premises engage in any other business, keep for sale or sell any goods, wares, merchandise or any other article or thing except the beverages authorized under this license and nonalcoholic beverages.

4. On September 15, 2008, an inspector from the Division conducted an on-site inspection of Alpine Wine & Spirits and found the following items being sold by Respondent in violation of R.I. Gen. Laws § 3-7-3:

A), Licensee held for sale:

- a) Sun glasses
- b) Hats
- c) Roloids

5. Based on the above violations the Department has sufficient cause to impose an administrative penalty pursuant to R.I. Gen. Laws § 3-5-21.

6. In an effort to resolve the above-referenced violation 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 real estate.

B. Respondent shall comply with all terms and requirements for licensure under R.I. Gen. Laws §§ 3-5-1, *et seq.* and 3-7-1, *et seq.*, and *Commercial Licensing Regulation 8 – Liquor Control Administration*.

C. Respondent shall pay a fine in the amount of \$250.00, payable to the Rhode Island General Treasurer.

D. Respondent voluntarily waives its right to the hearing process, voluntarily waives its right to appeal to Superior Court, admits that the allegations in Paragraphs 3 *supra*, are true, and agrees to take all necessary action as delineated in this Consent Agreement in order to maintain its license in good-standing.

7. If Respondent fails to comply with the terms of this Consent Agreement, the Department reserves its right to initiate the administration hearing

process to suspend or revoke Respondent's license pursuant to R.I. Gen. Laws §§ 3-5-21 and 42-35-9.

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

Department of Business Regulation
By its Associate Director:

Maria D'Alessandro
Maria D'Alessandro, Esq.
Department of Business Regulation

Date: December 13, 2008

Respondent
By:

Dennis Plante
Dennis Plante

Dennis Plante Alpine Wine &
Spirits

Date: 12/15/08

CONSENT AGREEMENT NO: CS-48