



The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 3-2-1 *et seq.*, R.I. Gen. Laws § 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.*

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure in Administrative Hearings*, the Appellant is declared to be in default for failing to appear at the hearing.
2. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Practice and Procedure in Administrative Hearings*, it is found that the Appellant has failed to provide evidence that it resolved its issues with the Division of Taxation which were the sole grounds for the revocation/denial of Appellant's License (See the June 19, 2009 Recommendation and Interim Order Granting Motion for Stay and Notice of *De Novo* Hearing).

Based on the forgoing, the undersigned makes the following conclusions of law:

1. The Appellant is in violation of R.I. Gen. Laws § 3-7-24 and Rule 44 of *Commercial Licensing Regulation 8 Liquor Control Administration*.

On the basis of the forgoing, the undersigned makes the following recommendation:

Based on the above analysis, the Hearing Officer recommends that the decision of the Board revoking (denying the renewal of) the Appellant's License be upheld.

Entered this 2<sup>nd</sup> day of November, 2009.

  
Catherine R. Warren  
Hearing Officer

I have read the Hearing Officer's recommendation in this matter and I hereby ADOPT/REJECT the findings of facts, the conclusions of law, and recommendation of the hearing officer in the above entitled Final Order.

Dated: 11-04-09

  
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A. Michael Marques  
Director

Entered as Administrative Order No. 09-L- 245 on this 4<sup>th</sup> day of November, 2009.

**NOTICE OF APPELLATE RIGHTS**

**THIS ORDER 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 4<sup>th</sup> day of November, 2009 that a copy of the within Order and Notice of Appellate Rights were by first class mail, postage prepaid, to the following:

Charles E. Casale, Esquire  
25 Blue Gentian Road  
Cranston, RI 02921  
FAX 401-464-9827

Anthony DeSisto, Esquire  
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450 Veterans Memorial Parkway, Suite 103  
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and by hand-delivery to Maria D'Alessandro, Associate Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI.

A-B Ellison