

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

MDLL, LLC	:	
d/b/a Roxy/Lupo's	:	
Appellee	:	DBR No.:11-L-0031
v.	:	
	:	
City of Providence, Board of Licenses	:	
Appellant	:	

RECOMMENDED ORDER DENYING MOTION FOR STAY IN PART AND GRANTING THE MOTION FOR STAY IN PART

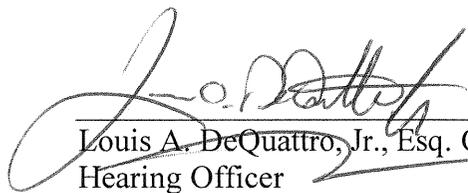
Appellee moves the Department of Business Regulation to stay the ex-parte decision made by Appellant to suspend Appellee's liquor license effective 10PM on April 21, 2011, until the matter can be heard as a Show Cause Hearing scheduled for Monday, April 25, 2011. The parties came before the undersigned Hearing Officer during the afternoon of April 21, 2011. The facts and arguments stated herein were made by counsel for the Appellant and Appellee before the Hearing Officer.

The Appellee holds one liquor license and operates under two (2) separate and distinct business formats that attract different clientele. One business format is under the Roxy and the other is Lupo's. According to Appellant's counsel, the decision made by Appellant was based on incidents occurring on or near the licensee's premises involving serious bodily injury to at least one of the licensee's patrons while licensee operated under the business format of the Roxy. It was also discussed that there was another incident at or near the licensee's premises in January 2011 while operating under the Roxy business format involving serious bodily injury that is a pending matter with the Providence Board of Licenses. It was further argued that the Appellee received a warning in 2010 involving an incident involving serious bodily injury to one of the licensee's patrons while again operating under the Roxy business format. Based on the presentation for counsel for the Appellee and Appellant, there have not been any incidents occurring at or near the licensee's premises involving seriously bodily injury to any patron of the licensee while operating under the Lupo's business format.

After Undersigned's consideration of the arguments presented by the Appellee and Appellant, the following order is recommended:

The stay is granted for the limited purpose of Appellee operating under the business format of Lupo's on Friday, April 22, 2011, during the business hours normally operated by the Appellee. In all other aspects the stay is denied and Appellee shall not act under any other business format, including, the Roxy. In the event that the Show Cause hearing set-forth above is not held on Monday, April 25, 2011, the Department expects the parties to return to undersigned Hearing Officer if an extension of this Order is sought.

Dated: 4/22/2011


Louis A. DeQuattro, Jr., Esq. CPA
Hearing Officer

ORDER

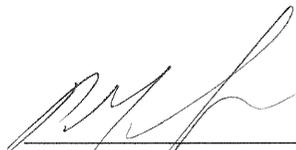
I have read the Hearing Officer's recommendation in this matter, and I hereby take the following action with regard to the recommendation:

ADOPT

REJECT

MODIFY

Dated: 22 April 2011


Paul McGreevy
Director

THIS IS FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-1 ET SEQ. AS SUCH, THIS DECISION MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF

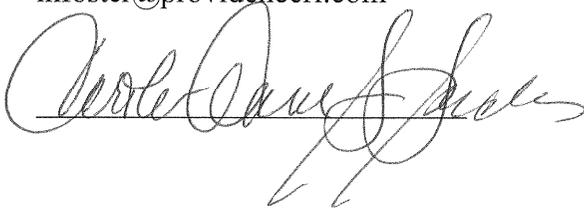
THIS DECISION. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW IN SAID COURT.

CERTIFICATION

I hereby certify on this 22nd day of April, 2011, that a true copy of the within Order was sent by e-mail and first class mail, postage prepaid, to the following:

Stephen Litwin, Esq.
One Ship Street
Providence, RI 02903
attysml@aol.com

Maxwell Foster, Esq.
City of Providence Law Department
275 Westminster Street
Providence, RI 02903
mfoster@providenceri.com

A handwritten signature in cursive script, appearing to read "Charles A. Jones", written over a horizontal line.