

representing Appellant. However, the undersigned had not received any notification from Appellant's counsel that he was withdrawing and new counsel was entering an appearance.¹

Therefore, as a result of the foregoing and upon due consideration thereof, it is hereby ordered as follows: Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*, the Appellant is declared to be in default for failing to appear at the hearing.

Therefore, as a result of the foregoing and upon due consideration thereof, it is hereby ordered as follows:

1. The above-captioned matter is dismissed.

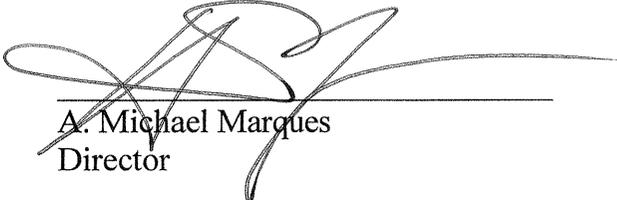
As recommended by:

Date: December 18, 2008


Catherine R. Warren
Hearing Officer

I have read the Hearing Officer's recommendation and I hereby ADOPT/REJECT the recommendation of the Hearing Officer in the above-entitled Order of Dismissal.

Date: 12-19-2008


A. Michael Marques
Director

Entered as an Administrative Order No.: 08- 237 this 19th day of December, 2008.

¹ The hearing was scheduled to start at 9:30 a.m. on December 17, 2008. The hearing started at 9:50 a.m. After the hearing, the undersigned's office received an email from Appellant's counsel dated December 17, 2008 at 10:25 p.m. stating that Appellant's counsel was no longer representing the Appellant. No substitute counsel entered an appearance. It should be noted that no motion to withdraw by Appellant's counsel was ever filed. Regardless, at the time of the hearing, Appellant's counsel was the counsel of record.

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 22nd day of December, 2008 that a copy of the within Order was hand delivered by -

Michael W. Favicchio, Esquire
Law Offices of Michael W. Favicchio
117 Metro Center Blvd., Suite 2001
Warwick, RI 02886

John T. Gannon, Assistant City Solicitor
Central Falls Law Department
580 Broad Street
Central Falls, RI 02863

El Chapin Restaurant
508 Dexter Street
Central Falls, RI 02863
Attn: RESTAURANT OWNER

and by hand-delivery to Maria D'Alessandro, Associate Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Building 68, Cranston, RI 02920.

AB Ellison