

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
PASTORE COMPLEX  
1511 PONTIAC AVENUE  
CRANSTON, RHODE ISLAND

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Privilege, Inc. d/b/a Privilege Restaurant,	:	
Appellant,	:	
	:	
v.	:	DBR No.: 09-L-0103
	:	
Providence Board of Licenses,	:	
Board/Appellee.	:	
	:	

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**ORDER OF DISMISSAL**

The above-captioned matter came for hearing pursuant to the Providence Board of Licenses (“Board”) April 20, 2009 denial of Privilege, Inc’s d/b/a Privilege Restaurant’s (“Appellant”) application to transfer a Class B liquor license to it from Chez Ben. The Appellant filed an appeal. By agreement of the parties, the hearing in this matter was continued several times. A status conference was scheduled on July 8, 2010 at which time neither party appeared.

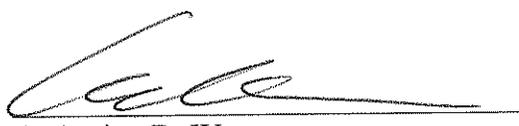
Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure in Administrative Hearings*, the parties are declared to be in default for failing to appear at the pre-hearing conference.

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

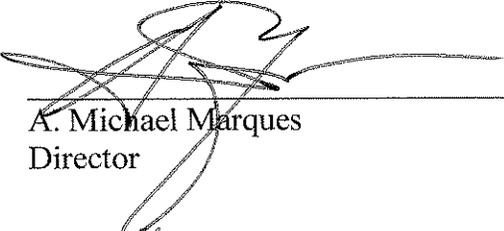
1. That the Appellant’s appeal is dismissed.

Entered this 13<sup>th</sup> day of July, 2010.

  
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: 07-13-2010

  
A. Michael Marques  
Director

Entered as Administrative Order No. 10- 103 on this 17<sup>th</sup> day of July, 2010.

### NOTICE OF APPELLATE RIGHTS

**THIS DECISION 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 17<sup>th</sup> day of July, 2010 that a copy of the within Order and Notice of Appellate Rights was delivered by first class mail, postage prepaid to -

Maxford Foster, Esquire  
City of Providence Law Department  
275 Westminster Street  
Providence, RI 02903

John J. DeSimone, Esquire  
DeSimone & DeSimone  
735 Smith Street  
Providence, RI 02908

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

  
R. B. Ellison