

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE COMPLEX  
1511 PONTIAC AVENUE  
CRANSTON, RI 02920**

_____	:	
<b>In the Matter of:</b>	:	
	:	
<b>Sidebar, LLC, d/b/a Side Bar</b>	:	<b>DBR No.: 07-L-0129</b>
	:	
<b>Respondent.</b>	:	
_____	:	
	:	<b>consolidated with</b>
_____	:	
<b>Sidebar, LLC, d/b/a Side Bar,</b>	:	
<b>Appellant,</b>	:	
	:	
<b>v.</b>	:	<b>DBR No.: 07-L-0082</b>
	:	
<b>City of Providence,</b>	:	
<b>Providence Board of Licenses,</b>	:	
<b>Board/Appellee.</b>	:	
_____	:	

**ORDER OF DISMISSAL AS TO DBR NO.: 08-L-0082**

This matter arose out of an appeal filed with the Department of Business Regulation (“Department”) by Side Bar, LLC d/b/a Side Bar (“Appellant”) appealing the City of Providence and Providence Board of Licenses (“Providence” or “Board”) March 14, 2007 decision (“Decision”) to impose a \$500 penalty for permitting underage drinking and a \$500 penalty for overcapacity and a two (2) day suspension for violating R.I. Gen. Laws § 3-2-6. A stay of the Decision was granted on March 22, 2007.

On or about April 27, 2007, Providence requested that further alleged violations against Side Bar be heard as part of the Appellant’s appeal. On or about May 11, 2007,

the Appellant agreed that any further allegations by the Board could be heard as part of the Appellant's appeal to the Department.

On May 30, 2007, the Department issued a Notice of Intent to Revoke License and Provide Opportunity for Hearing to the Appellant. The undersigned was appointed Hearing Officer in the departmental matter. On or about September 27, 2007, a prehearing conference was held in the Department's case against Appellant and a discovery schedule was set.

On October 10, 2007, an order was issued memorializing the agreement by the Appellant, the Department, and Providence that these two (2) matters could be consolidated. It was further ordered that the discovery schedule would apply to both matters. On June 9, 2008, a status conference in these matters was held.

On or about September 8, 2008 the Appellant and the Board submitted an agreed to resolution of this matter solely between the Board and the Appellant in the matter of *Sidebar, LLC, d/b/a Side Bar v. City of Providence, Providence Board of Licenses*, DBR No.: 07-L-0082.

On September 29, 2008, a status conference with the Appellant, the Board, and the Department was held. At that time, the Board and the Appellant indicated that they had settled the Appellant's appeal and the Board's additional alleged violations. The Board and Appellant represented that the Appellant would pay an additional \$2,000 penalty *in lieu* of the two (2) day suspension. In the stipulation, the Appellant acknowledged that there was a basis to support the charges which could have been proved at a *de novo* hearing before the Department. The parties indicated that the Appellant and the Department would continue to proceed with the Department's case

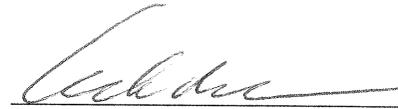
against the Appellant. The Department did not object to the dismissal of *Sidebar, LLC, d/b/a Side Bar v. City of Providence, Providence Board of Licenses*, DBR No.: 07-L-0082. Thus, the Board's and Appellant's September 8, 2008 stipulation of dismissal stipulation is hereby incorporated into this dismissal.

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

1. The above-captioned matter of *Sidebar, LLC, d/b/a Side Bar v. City of Providence, Providence Board of Licenses*, DBR No.: 07-L-0082 is dismissed.
2. The parties in *In the Matter of: Sidebar, LLC, d/b/a Side Bar*, DBR No.: 07-L-0129 shall provide a written status regarding that matter within thirty (30) days after the execution of this order.

As recommended by:

Date: October 6, 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: 10-07-2008

  
\_\_\_\_\_  
A. Michael Marques  
Director

Entered as an Administrative Order No.: 08 - 155 this 7<sup>th</sup> day of October, 2008.

**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 7<sup>th</sup> day of October, 2008 that a copy of the within Order was sent by first class mail, postage prepaid to -

Kevin McHugh, Esquire  
City of Providence Law Department  
275 Westminster Street  
Providence, RI 02903

Joseph A. Keough, Esquire  
Keough & Sweeney, Ltd.  
100 Armistice Blvd.  
Pawtucket, RI 02860

Neena Sinha Savage, Esquire  
Department of Business Regulation  
233 Richmond Street  
Providence, RI 02903.

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

