

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION**

Two Forty Four Wickenden, Inc.	:	
d/b/a Z Bar,	:	
Appellant,	:	
	:	
v.	:	DBR No.: 07-L-0252
	:	
Board of Licenses, City of Providence,	:	
Appellee.	:	

ORDER OF REMAND

This matter arose out of an appeal filed by Two Forty Four Wickenden, Inc. d/b/a Z Bar (“Appellant”) with the Department of Business Regulation (“Department”) appealing the decision on August 22, 2007 by the Providence Board of Licenses to deny the Appellant’s application for seasonal expansion because the Appellant is within 200 feet of a place of worship.

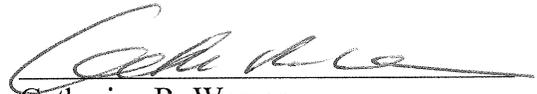
By agreement of the parties, this matter was continued because of pending legislation. On or about July 8, 2008, R.I. Gen. Laws § 3-7-19 relating to the proximity of places of worship to liquor licensees was amended to provide a new exemption within the City of Providence from said requirements.

Therefore, in light of the statutory amendment and the passage of time and upon due consideration thereof, it is hereby ordered as follows:

1. this matter is hereby remanded to the Providence Board of Licenses in order for the Board to determine whether the amended statutory exemption applies to the Appellant and/or whether the matter is moot.

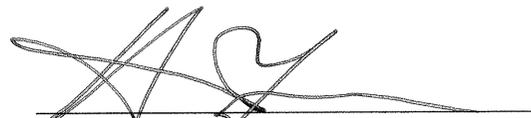
As recommended by:

Date: September 29, 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: 9-30-2008


A. Michael Marques
Director

Entered as an Administrative Order No.: 08-150 this 30th day of September, 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 30th day of September, 2008 that a copy of the within Order and Notice of Appellate Rights was sent by first class mail, postage prepaid to -

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

Thomas A. Tarro, III, Esquire
Kris Macaruso Marotti, Esquire
The Law Firm of Thomas A. Tarro, III
300 Centerville Road
The Summit East – Suite 330
Warwick, RI 02886

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

A B Ellison