

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

Lit Lounge Night Club, LLC,	:	
Appellant,	:	
	:	DBR No. 19LQ036
v.	:	
	:	
City of Providence, Board of Licenses,	:	
Appellee.	:	

STAY ORDER: STIPULATED

This matter arose from a motion for stay filed on December 16, 2019 by Lit Lounge Night Club, LLC (“Appellant”) with the Department of Business Regulation (“Department”) pursuant to R.I. Gen. Laws § 3-7-21 regarding the decision taken on December 9, 2019 by the City of Providence, Board of Licenses (“Board”) to revoke the Appellant’s Class BVX liquor license (“License”) for failure to have the statutorily required liquor insurance coverage. A hearing on the motion to stay was heard on December 23, 2019 before the undersigned who was delegated to hear this matter by the Director of the Department. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 3-7-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*¹

At the hearing, the Appellant provided proof that it now had insurance coverage as required by statute. It was not disputed that the Appellant already had general liability coverage but the


¹ A liquor appeal to the Department pursuant to R.I. Gen. Laws § 3-7-21 is considered a *de novo* hearing. The Department’s jurisdiction is *de novo* and the Department independently exercises the licensing function. See *A.J.C. Enterprises v. Pastore*, 473 A.2d 269 (R.I. 1984); *Cesaroni v. Smith*, 202 A.2d 292 (R.I. 1964); and *Hallene v. Smith*, 201 A.2d 921 (R.I. 1964). Because the Department’s has such broad and comprehensive control over traffic in intoxicating liquor, its power has been referred to as a “super-licensing board.” *Baginski v. Alcoholic Beverage Comm.*, 4 A.2d 265, 267 (R.I. 1939). See also *Board of Police Com’rs v. Reynolds*, 133 A.2d 737 (R.I. 1957). The purpose of this authority is to ensure the uniform and consistent regulation of liquor statewide. *Hallene v. Smith*, 201 A.2d 921 (R.I. 1964).

issue was its statutorily required liquor insurance coverage. It was not disputed at the stay hearing that the Appellant now has the statutorily required liquor insurance coverage [effective December 20, 2019].

At the hearing, the attorneys for the Appellant, the City, and the Board stipulated to a stay on the following conditions: 1) the Appellant's insurance coverage stays in full force and effect uninterrupted and if it lapses, the Appellant shall be subject to immediate closure by the Board without need to go to the Department; and 2) the City of Providence is a named party on the insurance policy with notice.²

Based on the foregoing and the parties' stipulated stay, the undersigned recommends that a stay be granted for revocation of the License.

Dated: December 23, 2019


Catherine R. Warren
Hearing Officer

INTERIM ORDER

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

ADOPT
 REJECT
 MODIFY

Dated: 12/23/19


Elizabeth Tanner, Director
Director

A hearing will be scheduled on a mutually convenient date to be determined by the parties.³

² The City is already named on the policy provided by the Appellant to the parties.

³ Pursuant to R.I. Gen. Laws § 3-7-21, the Appellant is responsible for the stenographer.

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 23rd day of December, 2019 that a copy of the within Order was sent by first class mail, postage prepaid to the following: Mario Martone, Esquire, City of Providence Law Department, 444 Westminster Street, Suite 220, Providence, R.I. 02903 Mmartone@providenceri.com, Louis A. DeSimone, Jr., Esquire 1554 Cranston Street Cranston, RI 02920 ldatty@gmail.com and Nicholas Hemond, Esquire, DarrowEverett, LLP, 1 Turks Head Place, Suite 1200, Providence, R.I. nhemond@darroverett.com and by hand-delivery to Pamela Toro, Esquire, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, R.I. 02920.