

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE
CRANSTON, RI 02920

<u>IN THE MATTER OF</u>	:	
	:	
LUIS GARCIA	:	DBR No. 16GA003
	:	
<u>RESPONDENT.</u>	:	

CONSENT ORDER GRANTING CONDITIONAL LICENSE

It is hereby agreed by and between the Department of Business Regulation (“Department”) and Luis Garcia (“Respondent”) as follows:

1. This Consent Order Granting Conditional License documents the Department’s final determination on the Respondent’s Non-Facility/Vendor Employee Application (“Application”) for a License to work at a restaurant on the premises of Twin River Casino (“Restaurant”) after the parties exchanged information following the Respondent’s request for an administrative hearing to show cause why the License should be granted despite the Respondent’s criminal history of assault with a deadly weapon and driving after denial, suspension, or revocation of license on March 13, 2009.
2. The Order to Show Cause initiating the administrative proceedings was issued March 22, 2017 and a pre-hearing conference was held on April 14, 2017.
3. The Department was presented with mitigating information in support of granting a Conditional License to the Respondent, including:
 - A. Respondent’s completion of his two year probation term and payment of restitution and fines.

- B. Respondent's expression of remorse for the underlying criminal conduct and improvement in personal circumstances during the intervening eight years.
 - C. Respondent's representation that he understands the importance of security at a gaming facility and would be cooperative with law enforcement and security personnel at the facility.
 - D. Correspondence from a representative of the Restaurant indicating that the Restaurant, aware of the criminal background, is offering the Respondent a part-time position up to 30 hours per week.
 - E. Respondent's representations that he is pursuing a culinary educational program and exploring the possibility of seeking expungement of his criminal record.
 - F. Respondent's cooperation and candor with the Department.
4. **License Conditions**. The Conditional License shall be subject to the following:
- A. The Respondent must provide written notice to the Restaurant **AND** the Department¹ within three (3) business days of the occurrence of any of the following:
 - i. Arrest, criminal charges, and/or conviction (including any guilty or nolo contendere pleas) and any involuntary driver's license suspension;
 - ii. Change in employment status, including termination, resignation, and/or disciplinary action by the Restaurant;
 - iii. Any change in contact information (legal name, mailing address, e-mail, phone, etc.).

¹ Written notices to the Department shall be delivered to Christina Tobiasz via e-mail to Christina.Tobiasz@dbr.ri.gov or via mail at 1511 Pontiac Ave., Building 69-1, Cranston, RI 02920.

5. By agreeing to resolve this matter through the execution of this Consent Order, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*

For the Division:

Maria D'Alessandro
Signature
Date: 5/16/17

Maria D'Alessandro, Esq.
Deputy Director, Securities, Commercial
Licensing and Racing and Athletics

For the Respondent:

Luis Garcia
Signature
Date: 5/15/17

Luis Garcia
Respondent

RECOMMENDED BY:

Catherine Warren
Date: 5/19/17

Catherine Warren, Esq.
Hearing Officer

ORDER

I have read the Consent Order as agreed to by and between the parties in the above captioned matter and I hereby take the following action:

Approve

Reject

Dated: 5/22/17

Scottye Lindsey
Scottye Lindsey
Director

NOTICE PURSUANT TO R.I. GEN. LAWS § 42-35-12

THIS CONSENT ORDER CONSTITUTES A FINAL ACTION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. FINAL AGENCY ACTIONS ARE GENERALLY APPEALABLE TO THE SUPERIOR COURT WITHIN THIRTY (30) DAYS OF THE DATE OF THE ACTION BY FILING A PETITION FOR REVIEW OF SAID COURT. HOWEVER, THE RESPONDENT UNDERSTANDS THAT BY WAIVING ITS RIGHT TO A COMPLETE HEARING AND AGREEING TO THIS CONSENT ORDER, THE ABOVE RIGHTS ARE WAIVED.

SERVICE CERTIFICATION

I hereby certify that on this 22 day of May 2017 a copy of this Final Consent Order was sent as follows:

1. By first class mail postage prepaid to:

Luis Garcia
51 Clifton Street
Central Falls, RI 02863

2. By electronic mail to Respondent Luis Garcia (lgarcia02wu@gmail.com; lgarcia02@gmail.com), Hearing Officer Catherine Warren, Esq. (catherine.warren@doa.ri.gov), and DBR Attorney Jenna Algee, Esq. (jenna.algee@dbr.ri.gov).

3. By electronic mail to the following parties at the Department of Business Regulation:

Maria D'Alessandro, Esq., Deputy Director, Gaming & Athletics
Donna Costantino, Associate Director, Gaming & Athletics
Christina Tobiasz, Chief Licensing Examiner, Gaming & Athletics


