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

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JARR Realty, LLC d/b/a DaVinci's Restaurant & Lounge, Appellant,

v.

The City of Providence Board of Licenses, Appellee. **DBR No. 11-L-0080**

ORDER OF REMAND

This matter arose out of a filing by JARR Realty, LLC d/b/a DaVinci's Restaurant & Lounge ("Appellant") with the Department of Business Regulation ("Department") purporting to appeal the decision by the City of Providence Board of Licenses ("Board") to deny Appellant's BX liquor license application on the basis of legal remonstrance pursuant to R.I. Gen Laws § 3-7-19. Appellant had a hearing in front of the Board for a full BX liquor license. Legal abutters objected the liquor license amounting to a legal remonstrance. Due to the legal remonstrance the Board denied the liquor license application. At the time of the pre-hearing before the undersigned, Appellant presented letters from abutters rescinding their objections so long as their enumerated conditions were met. The parties subsequently filed briefs with the undersigned for consideration in deciding this matter.

In light of the fact that the Board has not made any other determination regarding the granting of this application except for the issue of the legal remonstrance and in light of the fact that a legal remonstrance may no longer exist, this matter is remanded back to the Board to fully consider this application and determine if there still exists a legal remonstrance and/or whether the application should be granted.

Date: $\frac{2}{21}/2$

As recommended by:

Louis A. DeOuatteo. Hearing Officer

Deputy Director & Executive Counsel

I have read the Hearing Officer's recommendation and I hereby (circle one) adopt/reject/modify the recommendation of the Hearing Officer in the above-entitled Order of Dismissal.

Date: 22/1 2012

Paul McGreevy

Director

Entered as an Administrative Order No.: - 1200 this 22 day of February, 2012.

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 <u>12</u> day of <u>JUMulley</u>, 2012, that a copy of the within Order and Notice of Appellate Rights was mailed by first class mail, postage prepaid to:

Peter Petrarca, Esq. Petrarca & Petrarca 330 Silver Spring Street Providence, RI 02904 Peter330350@gmail.com

Kevin McHugh, Esq. City of Providence, Law Department 275 Westminster Street Providence, RI 02903 <u>kmchugh@providenceri.com</u>

And by e-mail to:

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

Cuele apres Hele