

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

IN THE MATTER OF

GRAPES AND GRAINS, INC

RESPONDENT

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CONSENT AGREEMENT

It is hereby agreed between the Commercial Licensing & Racing & Athletics Division (“Division”) of the Department of Business Regulation (“Department”) and Grapes and Grains, Inc. (“Respondent”) as follows:

1. Respondent holds a Class A license for the retail sale of alcoholic beverages pursuant to R.I. Gen. Laws § 3-7-3.
2. R.I. Gen Laws § 3-5-21 provides that every license is subject to revocation or suspension and a license is subject to fine by the Department, on its own motion, for breach by the holder of the license of the conditions on which it was issued or for violation by the holder of the license of any statute, rule or regulation applicable.
3. R.I. Gen. Laws § 3-7-4.1 provides:

Sampling events may not be promoted except on the licensed premises.
4. DBR Bulletin CL-LC-2009-1 provides:

Sampling or tasting events conducted by Class A retail liquor stores can only occur and be promoted inside the store’s premises and these guidelines apply to all print, broadcast, and internet promotions.

5. R.I. Gen. Laws § 3-7-3 provides, in pertinent part:

Holders of a Class A license shall not on the licensed premises engage in any other business, keep for sale or sell any goods, wares, merchandise or any other article or thing except the beverages authorized under this license and nonalcoholic beverages. This provision shall not apply to the sale or selling of cigarettes, newspapers, cigars, cigarette lighters, gift bags, prepackaged peanuts, pretzels, chips, olives, onions, hot stuffed cherry peppers, Slim Jims and similar pre-packaged dried meat products, pickled eggs, popcorn, pre-packaged candy and any other like items of like nature which may, by suitable regulation of the director of business regulation, be authorized to be sold.

6. Rule 1 of *Commercial Licensing Regulation 8- Liquor Control Administration* provides:

A Retailer's Class A license is authorized to keep for sale and sell at the place therein described alcoholic beverages provided that the licensee shall not, on the licensed premises engage in any business, keep for sale or sell any goods, wares, merchandise or any other article or thing except the beverages authorized under this license and non-alcoholic beverages; provided, however, that this provision shall not apply to the sale or selling of items listed in 3-7-3.

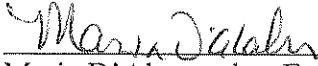
7. On June 12, 2014, the Division received a fax showing the website of Grapes and Grains, Inc. The Grapes and Grains, Inc. website was promoting wine tastings on Fridays 5pm to 7pm and beer tastings Saturdays from 2pm to 5pm.
8. On June 12, 2014, the Division received a fax showing the website of Grapes and Grains, Inc. The Grapes and Grains, Inc. was promoting the sale of fresh baked Foremost Bakery Baguettes on Saturday mornings.
9. On June 17, 2014, an Inspector from the Division responded to Grapes and Grains, Inc. and spoke with a manager, Jared Kent. He confirmed that the respondent is promoting wine tastings on their website and that the Respondent sells fresh baked bread on Saturday mornings.
10. On January 24, 2013, the Respondent had been issued a warning letter against advertising wine tastings.
11. Based on the foregoing, the Division has reason to believe the Respondent violated RI General Laws § 3-7-4.1 and 3-7-3 and Rule 1, of *Commercial Licensing Regulation 8- Liquor Control Administration*.

12. The Department has sufficient cause to impose an administrative penalty pursuant to R.I. Gen. Laws § 3-5-21.
13. In an effort to resolve the above-referenced violations and allow the Respondent to maintain its license in good-standing, Respondent agrees to the following:
 - A. Respondent understands that the Department is charged with protecting the public by ensuring that its Licensees are competent and trustworthy and are reasonably familiar with the statutes and laws relating to retail alcohol sales.
 - B. Respondent shall comply with all terms and requirements for licensure under R.I. Gen. Laws §§ 3-5-1, *et seq.* and 3-7-1 *et seq.*, and *Commercial Licensing Regulation 8- Liquor Control Administration*.
 - C. Respondent agrees that a failure to comply with all terms and requirements for licensure as described therein' may result in the revocation of Respondent's license.
 - D. Respondent shall pay a fine in the amount of \$250.00, by check or money order, payable to the Rhode Island General Treasurer.
 - E. Respondent voluntarily waives its rights to the hearing process, voluntarily waives its right to appeal to Superior Court, admits that the allegations herein, are true, and agrees to take all necessary action as delineated in this Consent Agreement in order to maintain its license in good-standing.
14. If Respondent fails to comply with the terms of this Consent Agreement, the Department reserves its right to initiate the administration hearing process to suspend or revoke Respondent's license pursuant to R.I. Gen. Laws §§ 3-5-21 and 42-35-9.


THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation

Respondent
By:



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



Matthew Amaral, President

Date: 8/15/14

Date: 8/14/2014