

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE CENTER, BLDGS 68-69  
1511 PONTIAC AVENUE  
CRANSTON, RHODE ISLAND 02920**

**IN THE MATTER OF:**  
**HAMMERHEAD GRILL, INC.**  
**d/b/a Bon Vue Inn.**  
**RESPONDENT.**

**DBR No.: 14LQ001**

**CONSENT AGREEMENT**

The Division of Commercial Licensing ("Division") of the Rhode Island Department of Business Regulation ("Department") enters into this Consent Agreement ("Agreement") with Hammerhead Grill, Inc. d/b/a Bon Vue Inn ("Respondent") to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondent that:

1. The Division alleged certain statutory violations in an Order to Show Cause Why License Should Not Be Revoked Or Suspended And/or Other Administrative Penalties Should Not Issue, Notice of Hearing and Appointment of Hearing Officer ("Order to Show Cause") in this matter. The Order to Show Cause is attached hereto as Exhibit 1.
2. The Respondent neither admits nor denies these allegations; however, to effect a timely and amicable resolution of this matter, the Respondent hereby agrees to do the following within thirty (30) days of this Agreement:
  - A. Pay a total administrative penalty of \$750.00.

- B. Purchase age verification ID scanning technology that is equipped to detect fake ID cards.
  - C. Upgrade the security camera system to increase the recording storage capacity up to six (6) months.
  - D. Develop operational controls and protocols to prevent underage drinking and forward documentation thereof to the Division.
3. After execution of this Agreement, an Order of Dismissal shall be issued without findings and without determination of liability by the Department.
  4. Respondent voluntarily waives any right to an administrative hearing and appeal to Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
  5. If Respondent fails to abide by the requirements of this Consent Agreement, the Department may initiate further administrative proceedings against the Respondent.

For the Division:

Maria D'Alessandro

Signature

Date: 3/2/14

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

For the Respondent:

Michael Aiello

Signature

Date: 3-4-14

Michael Aiello president

Print Name

Hammerhead Grill, Inc.

# EXHIBIT 1

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE CENTER, BLDGS 68-69  
1511 PONTIAC AVENUE  
CRANSTON, RHODE ISLAND 02920

IN THE MATTER OF: :  
 :  
HAMMERHEAD GRILL, INC. : DBR No.: 14LQ001  
d/b/a Bon Vue Inn. :  
 :  
RESPONDENT. :

**ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED OR  
SUSPENDED AND/OR OTHER ADMINISTRATIVE PENALTIES SHOULD NOT ISSUE,  
NOTICE OF HEARING AND APPOINTMENT OF HEARING OFFICER**

In accordance with the Rhode Island Administrative Procedures Act (“APA”), R.I. Gen. Laws § 42-35-1 *et. seq.*, and Central Management Regulation 2 *Rules of Procedure for Administrative Hearings* (“CMR 2”), the Director of the Department of Business Regulation (“Department”) hereby issues this Order to Show Cause Why License Should Not be Revoked or Suspended and/or Other Administrative Penalties Should Not Issue, Notice of Hearing, and Appointment of Hearing Officer (“Order”) to Hammerhead Grill, Inc. d/b/a Bon Vue Inn (“Respondent”), requiring Respondent to appear before the Department and answer why the Director should not issue an order revoking or suspending Respondent’s liquor license(s) and/or imposing other administrative penalties pursuant to the authority set forth in R.I. Gen. Laws § 3-5-21, 23, and 5.

The Director issues this Order for the following reasons:

1. Respondent is registered with the Rhode Island Secretary of State as having its principal office at 1230 Ocean Rd., Narragansett, Rhode Island (the “Premises”).

2. Respondent is the liquor license(s) holder for the Premises.
3. The Alcohol Compliance Task Force (“Task Force”) is an inter-agency team that includes Department’s Chief Public Safety Inspector (“Inspector”) and officers of the Rhode Island State Police (RISP) and the Narragansett Police Department.
4. The Task Force inspected the Premises on September 12, 2013.
5. The inspection led to five (5) individuals being charged by the RISP for violating of R.I. Gen. Laws § 3-8-10 on the Premises.
6. R.I. Gen. Laws § 3-8-10 makes it unlawful for “[a]ny person who has not reached his or her twenty-first (21st) birthday” to “ha[ve] in his or her possession any [alcoholic] beverage as defined in this title.”
7. R.I. Gen. Laws § 3-8-1 provides: “Licenses issued under this title shall not authorize...the sale or delivery to any underaged person as defined in this title for purposes of sale, possession and consumption of alcoholic beverages, either for his or her own use or for the use of his or her parents, or of any other person.”
8. R.I. Gen. Laws § 3-8-6(a) reads, in relevant part:
 

§ 3-8-6 Unlawful drinking and misrepresentation by underage persons – Identification cards for persons twenty-one and older. – (a) It is unlawful for:

  - (1) A person who has not reached his or her twenty-first (21st) birthday to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her alcoholic beverages; or
  - (2) A person who has not reached his or her twenty-first (21st) birthday to consume any alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase, attempt to purchase, or have another purchase for him or her any alcoholic beverage.
9. R.I. Gen. Laws § 3-8-5 reads, in relevant part:
 

§ 3-8-5 Penalty for violations relating to underage persons. – Any person who sells or suffers to be sold or delivered any beverage to a person who has not reached his or her twenty-first (21st) birthday either for his or her own use or the use of his or her parents or

any other person, or allows any person who has not reached his or her twenty-first (21st) birthday to drink beverages on premises licensed under this title or suffers or allows any persons who have not reached their eighteenth (18th) birthday to sell or serve any beverage on the premises shall for the first offense be subject to a fine of two hundred fifty dollars (\$250); for the second offense, be subject to a fine of five hundred dollars (\$500), and for the third and any subsequent offense, be subject to a fine of seven hundred fifty dollars (\$750). In the event that there are no offenses in three (3) successive years from the date of the last offense, then the next offense shall be treated as a first offense.

10. R.I. Gen. Laws reads, in relevant part:

§ 3-5-21 Revocation or suspension of licenses – Fines for violating conditions of license. –

(a) Every license is subject to revocation or suspension and a licensee is subject to fine by the board, body or official issuing the license, or by the department or by the division of taxation, 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 rule or regulation applicable, or for breach of any provisions of this section.

(b) Any fine imposed pursuant to this section shall not exceed five hundred dollars (\$500) for the first offense and shall not exceed one thousand dollars (\$1,000) for each subsequent offense. For the purposes of this section, any offense committed by a licensee three (3) years after a previous offense shall be considered a first offense.

11. R.I. Gen. Laws reads, in relevant part:

§ 3-5-23 Revocation of license for criminal offenses or disorderly conditions – Action on bond. –

(b) If any licensed person permits the house or place where he or she is licensed to sell beverages under the provisions of this title to become disorderly as to annoy and disturb the persons inhabiting or residing in the neighborhood, or permits any gambling or unlawful gaming to be carried on in the neighborhood, or permits any of the laws of this state to be violated in the neighborhood, in addition to any punishment or penalties that may be prescribed by statute for that offense, he or she may be summoned before the board, body, or official which issued his or her license and before the department, when he or she and the witnesses for and against him or her may be heard. If it appears to the satisfaction of the board, body, or official hearing the charges that the licensee has violated any of the provisions of this title or has permitted any of the things listed in this section, then the board, body, or official may suspend or revoke the license or enter another order.

(c) In case the license is revoked, the licensed person after the revocation shall cease to have any authority under the license and shall be disqualified from holding any of the licenses provided for in this title for a period of five (5) years following the revocation.

**THEREFORE**, the Director hereby orders the Respondent to appear before a Hearing Officer to show cause why the Director should not revoke or suspend the Respondent's liquor

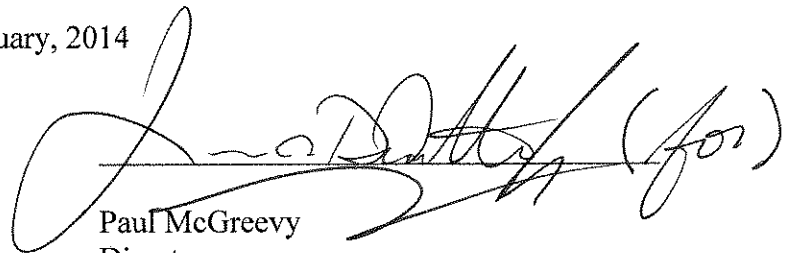
license(s) and/or why other administrative penalties should not issue pursuant to the authority set forth in R.I. Gen. Laws § 3-5-21, 23, and 5. In accordance with CMR 2, Section 6, a pre-hearing conference shall be held on **February 3, 2014 at 10:00 a.m.** at the Department's offices located at 1511 Pontiac Avenue, Bldg. 68-69, Cranston, Rhode Island 02920.

Pursuant to R.I. Gen. Laws § 42-6-8, the Director hereby appoints Ellen R. Balasco, Esq., as Hearing Officer for the purpose of conducting the hearing and rendering a decision in this matter.

The proceedings shall be conducted in conformity with the APA and CMR 2. CMR 2, Section 5 provides that it shall be the Respondent's sole responsibility or his/her or its representative to present his/her or its defense to the Hearing Officer. Pursuant to CMR 2, Section 7, you may be represented by legal counsel admitted in the State of Rhode Island.

If you have any questions regarding the subject matter of the hearing, please contact Jenna Algee, Esq. at (401) 462-9593 or [jenna.algee@dbr.ri.gov](mailto:jenna.algee@dbr.ri.gov) and reference the case name and number.

Dated this 15<sup>th</sup> day of January, 2014

  
Paul McGreevy  
Director

**All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email [directorofficeinquiry@dbr.state.ri.us](mailto:directorofficeinquiry@dbr.state.ri.us) at least three (3) business days prior to the hearing.**