



DEPARTMENT OF BUSINESS REGULATION

Memorandum Summarizing Content of Regulation Hearing

On November 21, 2018, DBR posted with the Secretary of State (SOS) and sent notice to interested parties that it was proposing amendments to 230-RICR-30-10-1, Liquor Control Administration, and that a hearing would be held on that proposal on December 4, 2018, at 1:30 p.m. At the hearing, nine (9) people signed-in, eight (8) of whom provided oral comments. A few other people were in attendance who did not sign-in. No one provided written comments at the hearing.

Associate Director Pamela Toro served as hearing officer. Other DBR staff in attendance were: Amy Stewart, Senior Legal Counsel; Jason Natareno, Legal Intern; Sara Tindall-Woodman, Legal Counsel; and Amy Morales, Legal Assistant.

Interested parties were called up to the microphone in the order in which they signed up to speak. The following includes the name, affiliation and comments/concerns of those who signed up to speak:

o **Sarah Bratko – RI Hospitality Association (RIHA)**

sarah@rihospitality.org

- Ms. Bratko stated generally that RIHA supports DBR's efforts to close some loopholes but is concerned with some unintended consequences of these proposed amendments.
- Ms. Bratko made the following specific comments on the Class P License amendments:
 - 1.4.42 (D) – “[A]fter-hours club” wording is too vague. Attaching an actual timeframe such as a 2 a.m. to 6 a.m. restriction as applies to class B licensees would be most appropriate. She noted that some nightclubs are rented out during the day for other catered events.
 - 1.4.42 (E) – Ms. Bratko stated that RIHA had the most concerns with this paragraph.
 - o For example, RIHA has a client in Block Island who rents space in a kitchen at an Inn and caters events at that same Inn. She stated that this amendment would remove his ability to function.
 - o Ms. Bratko stated that some Class P licensees will hold events at their principal place of business for tastings and staff parties, and should not be prohibited from doing so.

- She noted that it is common for liquor stores to deliver product directly to the site of a catered event, therefore, the requirement for the Class P licensee to deliver to premises was concerning.
 - 1.4.42 (G) - Ms. Bratko noted that compliance with local entertainment requirements should be the responsibility of the event host not the Class P license holder who is a caterer/vendor for the event host.
 - Ms. Bratko stated that RIHA will submit written comments and suggest some alternate language by the end of the comment period.
- **Timothy A. Williamson, Esq. – testifying on behalf of a client, Kevin Millonzi.**
tawilliamsonlaw@gmail.com
 - Attorney Williamson stated that he represents Mr. Millonzi, and that these amendments should be made by the General Assembly, not DBR.
 - 1.4.42(G) – Attorney Williamson stated that there is no uniformity for local entertainment licenses and has insurance/liability concerns for applicants versus vendors.
 - Insurance process concerns and same as Sarah Bratko’s 1.4.42 (G)’s concern.
- **Brent Ryan – Rhode Island Brewers Guild/Newport Craft Brewing**
brent@newportcraft.com
 - 1.4.6(B)(8) – Mr. Ryan stated his concerned with the lack of understanding of the licensing process at the municipal level with brewpub licensing. DBR should give further clarity to this process.
- **Anthony Santurri – Owner of Colosseum Nightclub Prov.**
anthonysanturri@gmail.com
 - Mr. Santurri expressed concern about Class P and the unintended use of it in inappropriate manner. As a Class N license holder, Mr. Santurri is subject to many regulations, ordinances, laws, etc. Mr. Santurri is concerned that a Class P license does not hold a person accountable and needs more clarity. He is concerned that if someone does not have an appropriate Class N license, he/she can still operate with a Class P license, even though they are not subject to all the same local requirements as a Class N. This will hurt license holders and others in this community as well as the economy surrounding this matter.
 - Mr. Santurri agrees with some of the concerns addressed by RIHA.
- **Sharon Steele – Jewelry District Association President** *sharon@sharonsteele.com*
 - Ms. Steele expressed concern about people trying to circumvent the rules by getting a Class P rather than a conventional license. She supports amending the regulations to avoid so many loopholes.

o **Steven Pare – Commissioner of Public Safety**

spare@providenceri.gov

- Commissioner Pare thanked DBR for bringing these amendments forward. He stated that it is important to tighten up the definition of caterer, limiting it to intermittent use at a particular location. He stated that it creates unfair competition for Class P licensees to operate as a club without following all of the municipal procedures.
- Commissioner Pare acknowledged that the nightclub scene is a part of Providence.
- We need to fix the loophole to prohibit others whose license has been revoked to obtain a Class P as caterer but continue to function as night club.
- Closing the loophole will help with public safety.
- It should be made clear that a Class P cannot replace a regular liquor license.

o **Nick Hemmond, Esq. – Representing Happy Beats**

nhemmond@darroweverett.com

- Attorney Hemmond, in representation of his client Happy Beats, raised concern that these changes are being made to drive his client out of business.
- It is his belief that these amendments should be handled by the General Assembly and not DBR.

o **Sgt. David Tejada – Providence Police Dept.**

dtejada@providenceri.gov

- Sargeant Tejada is concerned about lack of clarity on hours of operation.
- He has public safety concerns for late night operations.
- Operations beyond 1 or 2 a.m. poses a risk to public safety and quality of life.