

1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
2 CITY OF PROVIDENCE
3 BOARD OF LICENSES
4
5

6 *****
7 PROCEEDINGS AT HEARING *
8 IN RE: ADA'S CREATIONS, INC.
9 d/b/a ADA'S CREATIONS *
10 *****

11 DATE: September 3, 2015
12 TIME: 1:00 p.m.
13 PLACE: Providence City Hall
14 Room 112
15 Providence, Rhode Island

16 BEFORE: Juan M. Pichardo, Chairman/Secretary
17 Delia Rodriguez-Masjoan
18 Louis Peralta
19 Johanna Harris
20 Charles Newton

21 APPEARANCES:
22 FOR THE BOARD.....LOUIS DESIMONE, ESQUIRE
23 FOR THE CITY.....MARIO MARTONE, ESQUIRE

24 ALSO PRESENT:
25 Serena Conley, Administrator
26 Sergeant David Tejada, Providence Police

27 MERANDI COURT REPORTING
28 48 Hurlburt Avenue
29 Johnston, RI 02919
30 (401) 441-2576

31 (HEARING OPENED)

32 MERANDI COURT REPORTING
33 401 441-2576

1 MR. PICHARDO: Ada's Creations
2 based on the opinion. This is also a continuation
3 from yesterday. Class BV, food, full BX, 2:00 a.m.
4 close, Alcoholic Beverages, Class N nightclub, Ada's
5 Creations, Inc., Ada's Creations, 1137 Broad Street,
6 failure to pay city fees. For the record state your
7 name, your possession with the organization and also
8 who is here as your translator.

9 MS. TERRERO: Ada Terrero, Ada's
10 Creations, the owner.

11 MR. LOPEZ: Hamlet Lopez, Hamlet
12 like in Shakespeare.

13 MR. PICHARDO: So Mr. Lopez,
14 please, can you speak louder and translate
15 everything word for word. This was continued from
16 our meeting that we had yesterday, that we agreed
17 to -- you need to translate to her. You have the
18 benefit that we can understand and also that we want
19 to make sure that everything is being interpreted,
20 to be clear. You need to translate to her. Even
21 though we can speak Spanish, everything is being
22 recorded, so you need to speak Spanish to her and
23 translate into English.

24 MR. LOPEZ: Okay.

1 MR. PICHARDO: Does she
2 understand?

3 MR. LOPEZ: Yes.

4 MR. PICHARDO: Also, you've
5 translated before. Do you feel confident that you
6 can translate for her?

7 MR. LOPEZ: Yes, I feel confident.

8 MR. PICHARDO: So, yes, you're
9 before us for a couple of reasons: One, this is a
10 review under the agreement that was made between a
11 representative of your business, which is the
12 secretary, which is your daughter --

13 MR. LOPEZ: Yes.

14 MR. PICHARDO: -- and the Board,
15 so I would ask, seeing that Alicia -- and the
16 question is why didn't she come here today?

17 MR. LOPEZ: She says the reason
18 she wasn't here at that because, obviously, every
19 time she comes, she feels anxious and has panic
20 attacks and she couldn't be here because of that.
21 Every time she cries and becomes upset, that's why
22 she's not here today.

23 MR. PICHARDO: You mind turning
24 off the AC or lowering it? I want to share with you

1 that this Board has been very open to trying to help
2 this business and it has been, as noted, through the
3 recording and through comments that we've made. And
4 for the past, I want to say, the past three months
5 maybe -- about three months Alicia, who is the
6 secretary, has been before us. We've discussed and
7 agreed to terms to try to help the business. Is she
8 aware of that?

9 MR. LOPEZ: Yes.

10 MR. PICHARDO: Are you informed of
11 the details that we've discussed here with your
12 daughter Alicia?

13 MR. LOPEZ: Yes.

14 MR. PICHARDO: So do you
15 understand why you're here today?

16 MR. LOPEZ: Yes.

17 MR. PICHARDO: What is the reason?

18 MR. LOPEZ: The reason why she's
19 here today, she says that, hopefully, we have the
20 Spanish speaking Board members here that know her or
21 understand her language. She said that the reason
22 that she's here is because she was forced to sign an
23 agreement that, you know, obviously, it's too much
24 for her and she cannot go by that agreement and

1 that's why she's here today. Serena and Mario, and
2 Mr. Mario, right?

3 MR. PICHARDO: Translate.

4 MR. LOPEZ: She sat with the two
5 Board members and they came up with an agreement and
6 she asked if she could show this agreement to my
7 attorney. She didn't understand anything that was
8 written, but Serena told her, you have to sign
9 today; if you don't sign today, you'll no longer
10 have a license. So I replied to her, I'm going to
11 sign, but I don't have that much money. So I can't
12 pay the sum that was in the agreement. The other
13 position she wants you to know, she's in a very
14 difficult position. She is behind on her mortgage
15 payment. She's trying to save her building. It has
16 cost her thirty years of hard work, honest, clean,
17 clear, transparent. She can continue moving
18 forward. Her business is not a small business.
19 It's, you know, it's a big achievement for the
20 Spanish community. The only thing that I'm asking
21 for is for you to give me an opportunity so she can
22 have an agreement that is reasonable. She can't sit
23 here and say she can come up with \$5,000 every
24 month. She just doesn't have it. If she doesn't

1 save her building, she won't able to. She won't be
2 able to pay here or pay anyone. She says it's been
3 months, months and months. She doesn't sell drugs,
4 she doesn't do illicit business, She doesn't have a
5 gambling facility. All she does is work humbly and
6 honestly. She says she had, in the past, she got
7 complaints, that there was fights here and there,
8 and she opted out of doing the nightclub. So now
9 she's doing family events. All right. She says,
10 you know, you know the three Board members here,
11 they know her facility where she had different
12 public events, fundraisers, things of that nature,
13 pictures taken. That's one of the other businesses
14 she says that you know, it's like, you know, a
15 family business, it's reputation and whatnot. So
16 now she has a reputation. In the past, she made a
17 mistake. She doesn't want to carry that error for
18 the rest of her life. Let's look at the future and
19 the present. Every time she comes here before the
20 Board, she feels like she comes into the Board, she
21 doesn't feel that, you know, it's people that can
22 relate. She feels like she's in front of judges.
23 She says you guys should recognize that for
24 businesses, in order for them to continue to do

1 business, to evolve, they need help, to continue
2 with the pressure. She worked hard for thirty
3 years. Everyone that's pretty much here know her
4 personally. She doesn't know her personally, but
5 since she criticized that, she has favoritism here,
6 but she feels she never had it (referring to
7 Ms. Steele). She says all the fines that they have
8 been giving her, she's been paying. Never a free
9 ride, nothing was given free to her. Whatever she
10 earned, she's earned humbly and honestly.

11 MR. PICHARDO: Please ask her to
12 direct her comments to us. She's not part of the
13 Board. She is a member of the public.

14 MR. LOPEZ: And if anyone wants to
15 know who she is that don't know her, she would
16 invite them to go to her business so they can see
17 what type of business that she has, we're discussing
18 here, and if you don't know what business she has or
19 what type of business, then it's plain ignorance.
20 And I just want to remind you, that business, when
21 she first bought it, it was, ten years, abandoned
22 building when she first bought it. Her family
23 renovated, you know, renovated, you know, with
24 credit and hard work. She put the establishment to

1 pay taxes, give employment and to give service to
2 the community in which they were serviced. So she
3 has done positive for the community and the city
4 because, you know, it was destroyed and nobody paid
5 attention or took the time to renovate the building.
6 It's time, you know, for people to recognize her
7 hard work and labor and her work. She says that for
8 the last twelve years all the negligence and
9 everything that has been going on has been people
10 from here, from the city, that didn't give her the
11 right direction or if the city advised her
12 differently --

13 MR. PICHARDO: One moment. Ask
14 her and translate this: We're hearing her out, if
15 she can wrap up in one or two minutes. So that way
16 we can have the opportunity, also, to clarify
17 certain things.

18 MR. LOPEZ: She knows that, she
19 says, you know, hopefully a decision is made and it
20 is a human decision is made, not like judges, so you
21 can sympathize where she's coming from and she hopes
22 you guys think what she's saying is the truth.

23 MR. PICHARDO: Thank you for your
24 testimony.

1 MR. LOPEZ: Welcome.

2 MR. PICHARDO: We have taken into
3 account -- I will reserve my comments for later on,
4 but I'll allow the rest of the Commission to state
5 or clarify.

6 MR. LOPEZ: One more point she
7 wants to make, Senator Pichardo, she doesn't have
8 money -- \$5,000 -- the \$5,000 she paid here before,
9 she had to borrow the money. The second \$5,000, she
10 took some borrowed none as well she pays interest
11 every week. She finds that in order to pay you, I
12 have take money out. I have to, you know, somebody
13 has to lend it to me. She says she is in the same
14 circle, putting more debt to her and interest that
15 she gives the person that lends her the money. She
16 should be paying it to you guys, instead of paying
17 it to you guys instead of the person. She can't pay
18 \$5000, \$5000, \$5000. It's going to disappear.

19 MR. PICHARDO: So noted. I will
20 -- we'll take it, your testimony and your comments.
21 So the question that was asked was that were you
22 clear on why you were here and also whether your
23 daughter, who's the secretary, conveyed to you the
24 responsibility and also the agreement that was

1 reached with the City of Providence and this Board.
2 And so you made a lot of comments and your life work
3 history over thirty years, which I personally know.
4 Now, this Board knows. Nobody is disputing that.
5 For today's meeting we came here and we've asked
6 your business, being represented by Alicia, and has
7 been for the last three months. We've gone above
8 and beyond -- translate, please and speak up. And
9 that was a decision that came before us and we made
10 a decision as a Board to help the business, to help
11 a business here in the city of Providence based also
12 on your historical efforts in the community of
13 Providence. To my knowledge, previous
14 administrations have helped you, also, above and
15 beyond to make sure your business is successful;
16 including the current one, including the officers
17 here, including the solicitors. Now you come before
18 us, and we also have done everything possible to try
19 to help you, to try to help the business in the City
20 of Providence. And part of the decision to review
21 your status every month was because it was an
22 agreement that was made with Alicia, your secretary,
23 to ensure that we work out a plan, a plan that will
24 get you and the business to pay half of what is owed

1 to the city, to allow you to remain open and conduct
2 business in good standing.

3 With that agreement came decisions by
4 and approved by this Board, that every month a
5 certain amount of money was going to be paid. And I
6 made it clear to Alicia that at least 4,500, \$4,000
7 that needed to be paid a month, by December 1st, to
8 be a total of \$18,000. And on several occasions
9 Alicia agreed to that agreement. I've asked her
10 when she came here to represent you and the company,
11 because if that is not done, the ordinance of the
12 city, the law of the city does not permit us to
13 grant any license. So when she came yesterday,
14 indicating that she only had \$1,000 and that she
15 wasn't clear on what was the arrangement or the
16 agreement; it was unconscionable in the sense that
17 if she wasn't clear, it is her responsibility as a
18 business person and the business to come to the city
19 and get clarification. These meetings are recorded
20 word by word. That was the agreement. And in
21 summary, just for this part, this is a review every
22 month to hold -- to work with you, "you" meaning the
23 business, to get you there, to help you with that.
24 Because if we don't get there to pay the \$18,000,

1 which is half of what you owe, we don't have no
2 option but to close and not grant you the
3 entertainment license or the licenses. Therefore,
4 we have to close you. So let's be clear that we are
5 here, you see us here, yes, this is a Board, we have
6 a responsibility, and that we are here to try to
7 help out, especially businesses that are struggling;
8 and we've done so.

9 So I asked you earlier and I ask you
10 again; did your treasurer, your daughter, Alicia,
11 secretary, secretary explain to you what was the
12 agreement? Just ask her. Does she understand the
13 agreement?

14 MR. LOPEZ: Yes. And she says now
15 I'm understanding the agreement. Alicia, she never
16 knew that she had to pay \$4,000 a month. If she
17 would have understood that she had to pay \$4,000 a
18 month, she would have said from the very beginning
19 she could not pay it. She cannot pay.

20 MR. PICHARDO: Let me ask her --

21 MR. LOPEZ: If you want to close
22 the business, if that's what you want to do, you
23 would have to close the business; close, because she
24 doesn't steal or --

1 MR. PICHARDO: As to -- ask her,
2 so Alicia never conveyed that to her, kept that from
3 her? Translate that. Ask her, did Alicia for the
4 past three months convey to her that Alicia had
5 agreed to pay, on a monthly basis here, at least
6 \$4,500 to this Board? Ask her, did she convey that?

7 MR. LOPEZ: She says Alicia said
8 was she would get \$5000 and then the other \$5000,
9 then come to agreement to pay what she could afford
10 to pay, that was conveyed to her. She doesn't know
11 how you guys would help her. You guys --

12 MR. PICHARDO: So explain to her
13 that we have not decided to close the business yet.

14 MR. LOPEZ: She says she doesn't
15 have the money. You understand, she doesn't have
16 money. She says you don't understand.

17 MR. PICHARDO: Tell her I
18 understand. With that said, she needs to answer the
19 questions of this Board. So with that said, one, I
20 want to get clarification here, that Alicia, the
21 secretary of the business, conveyed to her and she
22 is -- that there was communication and that she had
23 to come up with some money? Translate. Tell her to
24 stop.

1 MS. TERRERO: (Speaking in
2 Spanish).

3 MR. PICHARDO: No, no. Translate.
4 Translate.

5 MR. LOPEZ: She says --

6 MR. PICHARDO: I understand. I
7 understand. Please translate.

8 MR. LOPEZ: Translate from the
9 beginning?

10 MR. PICHARDO: Yes. We need him
11 to translate.

12 MR. LOPEZ: Well, she says she
13 doesn't have the money. Mr. Pichardo, I don't have
14 the money. She not going to go out there and steal
15 and rob or anything of that nature. Close the
16 business, but she's been there for quite some time
17 and, you know, she feels that's not the right
18 decision, and Senator Pichardo asked if she
19 understands, and she understood what he said. She
20 said yes, she understands what he was saying, but
21 she doesn't have the money.

22 MR. PICHARDO: Thank you. I will
23 open it up to the Commissioner's for questions or
24 any comments.

1 MR. NEWTON: I would like to
2 start. I probably have less understanding of what
3 has transpired than any one of us, but I'm
4 attempting to understand the ordinance. My
5 understanding is that a certain amount is to be paid
6 by December 1st. My understanding is that this is
7 the second agreement. It is my understanding that
8 the first agreement was not adhered to. And it
9 appears as though the second agreement has not been
10 adhered to. In business, whoever represents me, or
11 whoever I give the authority to represent me, speaks
12 on my behalf. My concern is whether or not, if any
13 agreement was reached, whether or not it would have
14 any -- it would have validity or urgency and whether
15 or not we can depend that it would be honored.

16 MR. LOPEZ: So your concern is
17 with the agreement?

18 MR. NEWTON: Any agreement, or
19 that any agreement in the future would not be
20 honored. Understanding, as a newer Board member,
21 I'm forced to adhere to the ordinance. So that, if
22 I -- for me, if I were to send a representative and
23 they did not relay to me the sincerity or the
24 urgency or the significance of a decision, I must

1 still accept the decision that they've reached
2 because they represented me on my behalf. So my
3 question is: Something this important, where have
4 you been?

5 MR. LOPEZ: She says she was
6 operated on so she was not here.

7 MR. NEWTON: Without getting into
8 all the finances, a statement was made concerning a
9 mortgage payment, building payment. Are you
10 indicating that there was no opportunity to
11 refinance the building?

12 MR. LOPEZ: No.

13 MR. NEWTON: I may come back with
14 some additional questions.

15 MR. PICHARDO: Thank you.
16 Commissioners? Commissioner Harris?

17 MS. HARRIS: I'll try to be brief.

18 MR. PICHARDO: And if you could
19 also take pauses, so he can translate.

20 MS. HARRIS: Sure, sure.

21 MR. PICHARDO: Keep translating.

22 MS. HARRIS: My first point is
23 that it's a dangerous precedent for this Board to
24 start assessing or evaluating the personal finances

1 of the businesses that come before us. As
2 Commissioner Newton pointed out, there are laws on
3 the books that have to apply to everybody, and we
4 don't differentiate between people who are poor or
5 rich or inherited money. So that's my first point.
6 My second point, and for the benefit of Commissioner
7 Peralta and Commissioner Newton, who weren't around
8 last year, this is the reason we are sitting here
9 resulted from a very, very, very unfortunate
10 situation; which is Ada's Creations operated for a
11 long time as a nightclub. And while it was
12 operating as a nightclub, it had at least seven or
13 eight serious instances of violence. As a result,
14 the city determined -- the Board and the police
15 determined that in order to stay open and not put
16 the public at risk, that the organization had to
17 have police details, and as a result of these police
18 details the large debt was created. None of the
19 police details were paid. So that's why Ada's
20 Creations owes the city fifty-six or owed \$56,000.
21 So going forward to last December when we did
22 license renewals, I sat in that Chair and I made it
23 clear to every single solitary licensee that they
24 would not get a license for the current coming year,

1 every single solitary person. And your daughter sat
2 there and said under oath, on the record, that she
3 would pay the entire debt. We then received, I
4 believe, about \$1,000 between that December and --

5 MS. CONLEY: June.

6 MS. HARRIS: -- June. The
7 solicitor and the License Administrator and the
8 Deputy Chief of Staff testified before this Board
9 that they made numerous attempts to work out payment
10 plans and get additional money.

11 Finally, your daughter came before this
12 Board and she represented that she could come up
13 with \$4500, \$5000, give or take, every month until
14 half of the debt was paid off by December 1st.

15 MR. LOPEZ: It's a lot.

16 MS. HARRIS: We have the
17 transcript. It doesn't matter. I'm just telling
18 you what your daughter said to this Board. So this
19 Board said we'll give you another chance, but you
20 have to come up with \$5,000 every month until
21 December 1st. What I'm hearing today is that you
22 don't have \$5,000. You had to borrow the money that
23 your daughter gave the last month or two, and it
24 sounds to me that there's no way that you're coming

1 up with the rest of the money by December 1st.

2 MR. LOPEZ: No, definitely not.

3 MS. HARRIS: So my recommendation
4 is that we've bent over backwards for two years to
5 get this money, and I think it's time to revoke the
6 license.

7 MR. PICHARDO: Any other questions
8 or comments, questions? All right. So before we
9 can -- this is also for clarification from our
10 attorney today is, also, we make determinations.

11 MR. DESIMONE: Yes, you can.

12 MR. PICHARDO: Before we go and
13 ask for a motion, I want to address a couple of
14 things. I've known you and the business for many
15 years. This Board has a responsibility to adhere to
16 the ordinances of the City of Providence, which are
17 the laws of the city. In addition, we, this Board,
18 is independent and has the flexibility to take into
19 account testimonial facts and to be fair. Over the
20 years, your establishment, your business has come
21 before this Board. Your establishment has operated
22 as a three-business entity, banquet hall, a lounge,
23 a bakery, a deli and restaurant. And during those
24 times, as Commissioner Harris indicated, issues had

1 arrived, violence had arrived in that establishment.
2 It rose to a level that this Board mandated details
3 to your establishment. That was an agreement that
4 was made between your establishment and the police.
5 And therefore, those monies need to be paid. And
6 those things --

7 MS. TERRERO: (Speaking in
8 Spanish)

9 MR. PICHARDO: It's my turn. When
10 those things are not paid, it's our responsibility,
11 this Board, which is fair, which understand people,
12 contrary to what you have said. We take that into
13 account and we make arrangements to be flexible to
14 help the business. In the previous years, the
15 economy hasn't been good for a lot of people. We
16 understand that, and every meeting is documented
17 that we've said that, even to the point that several
18 months ago this Board, based on the fact that you
19 couldn't pay the detail, the agreement that was
20 made, we've went above and beyond, above and beyond
21 to try to help her and her business. I know that it
22 is very emotional. I know because I have known you
23 for over thirty years. We grew up in this
24 community. You think that if they didn't know you

1 as much, that we take pleasure to close any
2 business. However, we've gone above and beyond to
3 try to help. And as you concluded in your
4 statement, and I want to be clear I couldn't
5 remember the business before us about three months
6 go was represented by your secretary, Alicia, that
7 you have given her the authority to make decisions,
8 and yes, as she said before to check with you and to
9 inform you, and that was made very clear to her that
10 she was accepting the agreement to get you to pay on
11 a monthly basis, \$4,500 to get up to \$18,000 by
12 December 1st, and that was clear. I reiterated it
13 to her just like I am doing right now, very slow.
14 As a business person, if you don't know and if you
15 cannot commit to pay back that money, you don't wait
16 to the end of the day or the end of the month to
17 reach out to the city. There was no conversation.
18 And so, we've come to a wall right now. I don't
19 have any other alternative, this Board has no other
20 alternative, because we wanted to help you. We
21 wanted you to succeed as a business person. And as
22 you have stated, the head of the business,
23 represented as the head of the company, is that
24 definitely you know that you are not able to pay an

1 additional \$3,000 that was due on September 1st for
2 a total of \$4,500, actually \$3,500. You stated no
3 and you've expressed, also, that you are definitely
4 not able to pay every month up to getting to \$18,000
5 as Commissioner Harris asked, are you able to pay --
6 are you able to pay, as Commissioner Harris asked
7 are you able to pay the \$4,500 and the plan to get
8 you to \$18,000, and you said definitely not, that's
9 correct; right?

10 MR. LOPEZ: Not unless she goes
11 and steals.

12 MR. PICHARDO: That is it. I've
13 concluded my comments. I will take a motion from
14 the Board. What is your pleasure?

15 MR. DESIMONE: I would, before the
16 Board moves on a revocation, it's -- this would be a
17 suspension.

18 MS. HARRIS: Sorry.

19 MR. DESIMONE: Again, they would
20 still have the opportunity to renew, make payments
21 and get them back to open again, so it's technically
22 not a revocation. I believe the City's -- the
23 original petition was for suspension under the
24 ordinance.

1 MS. HARRIS: I stand corrected. I
2 totally agree. I was using the wrong word.

3 MR. PICHARDO: Before a solicitor
4 to make additional statements or --

5 MR. MARTONE: No. I think the
6 Board's in a tough spot. I think that this is a
7 situation where there are no other liquor license
8 holders there in this situation. Everybody has come
9 up now, nobody has accumulated a \$50,000 bill, but
10 that's not -- that's really the licensee -- there's
11 a reason for that. But no other license is in this
12 situation where they owe more than 50 percent of
13 what -- I think it's true we have gone above and
14 beyond for this licensee.

15 MR. PICHARDO: Translate that.

16 MR. MARTONE: And with regard to
17 -- and I know there was a statement made very early
18 on.

19 MR. PICHARDO: Speak up.

20 MR. MARTONE: Early on in the
21 presentation it was said, and I want the Board to
22 understand exactly what happened upon the signing of
23 that agreement, I think, what -- forgive me, I
24 forgot your name.

1 MS. TERRERO: Ms. Terrero.

2 MR. MARTONE: Ms. Terrero, what
3 she was told was if she didn't sign the agreement,
4 she couldn't open and that she didn't have an
5 opportunity to give it to her attorney and that is
6 true. If she did not sign that agreement, she could
7 not remain open because she owed more than 50
8 percent, and unless you have an agreement, you
9 cannot remain open. She could have absolutely
10 brought it to her attorney, but she would have been
11 shut down, too, in the meantime. So however, the
12 goal of the city -- the city's intention is never to
13 shut down a business, but I think it's also
14 important that this Board understands we have to
15 treat everybody on an even playing field and we need
16 to be mindful that there are a lot of businesses in
17 trouble. We requested that money from them as we
18 did from this establishment. So again, the city,
19 obviously, whatever the Board chooses to do, the
20 city will be behind. And the city really doesn't
21 have a position other than what we've said
22 previously.

23 MR. PICHARDO: Did you translate
24 that?

1 MR. LOPEZ: She says that she
2 understand --

3 MR. PICHARDO: You can translate.
4 There will be no more testimony. We are concluding.

5 MR. LOPEZ: To be fair to everyone
6 in this situation, risking their business, losing
7 their business. So she wants you to know that that
8 bill, the two administrators that supposedly -- they
9 would pay the police weekly. She never saw the
10 receipts and so she brought it to light and they
11 took that money, they stole that money. And she
12 wants that to be on record.

13 MR. PICHARDO: It's noted. It's
14 on the record --

15 MR. LOPEZ: She says she received
16 that bill after she fired them and she knows who.
17 It's still her responsibility. It's her business,
18 but they stole that money from her.

19 MR. PICHARDO: So -- as we're
20 concluding, you're right, it is your responsibility,
21 yes, it is.

22 MR. LOPEZ: That's her
23 responsibility. She's not saying they're not going
24 to pay. She understands it's her problem.

1 MR. PICHARDO: I will stop you
2 right there. So here we're going to be concluding
3 and not taking anymore testimony. Translate that to
4 her. I would say that yes, it is her
5 responsibility. It is a challenge to run a business
6 and, unfortunately, due to the lack of oversight
7 that you've had in this situation. So therefore,
8 we've gone above and beyond from previous
9 administrations to try to help her be successful to
10 this point. Myself, we as a Board have done,
11 beginning even this year, with that said, based on
12 her testimony, based on her representation, there's
13 no other option. We can't go any further. With
14 that, I need to take a motion. Thank you.

15 MS. RODRIGUEZ-MASJOAN: So this is
16 a suspension, but if she were to come up with the
17 money, she gets a loan, she gets an investor,
18 something happens and that money is paid. It's a
19 suspension, it's not a revocation? It means she
20 still has the opportunity, if some business deal
21 happens, that she can come back and get her license?
22 It's not taken away? It's only suspended?

23 MR. DESIMONE: Correct. Just to
24 let the Board know, you can place any condition you

1 choose on her avoiding the suspension, if you will.
2 So for example, the Board could say, I suspend this
3 license pending payment, whatever amount you choose.
4 Now, you could say pending payment of \$3,500, for
5 example; and another payment of \$4,500 on October
6 1st, and another payment of \$4,500 on November 1st,
7 and the final payment before reinstatement. That
8 would allow her to make a payment of \$3,500 this
9 month and reopen until October 1st came, and then
10 we'd be in the same situation. Or the Board could
11 say, the only way to purge yourself off the
12 suspension, so to speak, is to pay the entire
13 \$18,000 on or before December 1st, that would keep
14 her closed until December 1st. So the Board can
15 structure the order and the motion in any way it
16 chooses, I believe, unless the city thinks that
17 there is some constraints that the Board has, but I
18 don't believe that there are.

19 MR. MARTONE: No. I think the
20 Board can fashion it however they choose. I don't
21 believe so there has been to be a follow-up if she
22 pays the money she can open.

23 MS. RODRIGUEZ-MASJOAN: It would
24 be -- if you could translate this. Do you

1 understand what I just said?

2 MR. LOPEZ: She said supposedly
3 she has until December 1st to pay all the money, and
4 her question is: So she cannot open at all, that's
5 her question? I mean, at least to sell something so
6 she can be able to pay what she owes. I mean, that
7 is, how is she supposed to come up with the money if
8 she closes the business?

9 MR. PICHARDO: Right. So for her,
10 we've gone beyond this point. We've actually tried
11 to help in many ways that this was a priority. And
12 I understand that she has other debts and other
13 things, but this needed to be adhered to every
14 month. Now, she does have options.

15 MS. TERRERO: (Speaking in Spanish)

16 MS. RODRIGUEZ-MASJOAN: No.

17 MR. PICHARDO: You need to
18 translate this. So there are options.

19 MR. LOPEZ: She closes the
20 business tomorrow, where does she get the \$3,500?

21 MR. PICHARDO: That's a personal
22 decision. That's not our responsibility to find
23 other monies to help her out.

24 MS. TERRERO: (Speaking in Spanish)

1 MR. PICHARDO: No. No, Ada, Ada.

2 MR. LOPEZ: Can she wait until
3 December to pay? Does she have until December, is
4 that a possibility?

5 MR. PICHARDO: Ada, we're going to
6 be discussing the options. The options were clear.
7 It's up to you to figure that out, and I'll take
8 comments from the Commissioners. However, we're
9 going to take action and you're not helping your
10 situation.

11 MS. TERRERO: (Speaking in
12 Spanish)

13 MR. PICHARDO: Just listen for a
14 second. We're getting clarification. We'll take
15 action today, because this Board has been very
16 flexible and now we have to make sure that we comply
17 with the ordinance before a motion -- Commissioner?

18 MR. NEWTON: As I'm thinking about
19 this, what I really would like to see is for the
20 agreement to be met whether or not she is coming
21 with additional, so that she's current on the
22 agreement and if she's current on the agreement, we
23 can look for the next month in terms of working with
24 her. I do not think -- I feel that I have an

1 ability not to at least have the owner adhere to the
2 agreement that was made. Subsequently, right now, I
3 would be prepared to put a motion that as long as
4 the agreement has been met, that she be suspended,
5 the receipt of the amount that was as of
6 September 1st, and that whatever should be paid on
7 October 1st is paid and whatever outstanding amount
8 will get us to the \$18,000 on the prescribed date,
9 that would be basically going back to the original
10 agreement. And so therefore, my recommendation
11 would be to suspend adhering to the original
12 agreement.

13 MS. HARRIS: Point of order, this
14 was a Show Cause Hearing; right?

15 MR. MARTONE: Yeah. Originally it
16 was, yeah.

17 MS. HARRIS: My understanding, and
18 this is a question for the counselor: Since
19 Commissioner Newton was not here for all of the
20 hearings, he couldn't actually vote?

21 MR. DESIMONE: Well, because it
22 was brought by way of a Show Cause Hearing, I think
23 you're correct.

24 MS. HARRIS: I'll make a motion --

1 MR. PICHARDO: Just for discussion
2 is that Commissioner Newton was not here several
3 months ago for all the hearings, so only the four of
4 us are able to vote on this matter.

5 MR. NEWTON: Through the Chair,
6 and I recognize that and I concur. However, I would
7 like to weigh in, in terms of my opinion.

8 MR. PICHARDO: That's fine.
9 Everything is noted. Absolutely.

10 MR. PERALTA: I think the
11 licensee, she was asking if she paid by December the
12 \$18,000, but I think counsel answered that question
13 for her.

14 MR. DESIMONE: I think that I
15 agree with Mario's position that the Board can
16 fashion any remedy it wants with regard to this
17 matter. And when a show cause hearing was brought,
18 I think it was incumbent on the city to bring the
19 Show Cause petition to you. I believe you can craft
20 any remedy that you choose and I believe that the
21 last time that we were here what the Board said or
22 crafted was we need to get \$18,000 before December
23 1st. Just doing the math, and they paid a thousand
24 the other day, that would bring them to \$3,500 owing

1 for this month; \$4,500 for October; another \$4,500
2 for November; and then another \$4,500 before
3 renewal, which is December 1st; that brings you to
4 the \$18,000 mark. That would also then require a
5 new agreement on whatever the arrearage is at that
6 point. So the Board can craft that any way it
7 wants. If the Board wants to say those numbers are
8 the numbers that we're adhering to, they need to be
9 made on that schedule, then the Board could suspend
10 pending payment of 3,500 for this month. In the
11 event that 3,500 she opens up. In the event that
12 \$4,500 is paid, in October, she continues to remain
13 open and so forth, or the Board can say, we want "X"
14 before you open, whatever that amount is. I think
15 that the Board can be very flexible in what it does
16 need here today. You can make any requirements you
17 want because of the nature of this hearing.

18 MR. PICHARDO: Thank you for that
19 clarification. However, she stated twice that
20 definitely there's no money. There is no way she
21 can pay this.

22 MR. DESIMONE: Right, that is
23 correct.

24 MS. HARRIS: That's correct.

1 MR. PICHARDO: No way to pay -- we
2 can craft anything we want, and she asked a good
3 question. Now it is up to her how to come up with
4 money, but it will be leave the door open that at
5 any time she can come in and pay the \$18,000 and you
6 can open. Translate, you want to translate that.
7 You need me to restate that?

8 MR. LOPEZ: Yes, restate it.

9 MR. PICHARDO: One is that we make
10 the decision to have you pay \$3,500 as soon as
11 possible, within X amount of days. After that,
12 \$4,500 on October 1st; November 1st, \$4,500; and
13 just before December 1st, another \$4,500.
14 Therefore, getting to \$18,000 to comply to -- with
15 the city law. We can do that, but she has stated
16 already, twice, and I asked her, there is definitely
17 no money and that you cannot pay or get to \$18,000
18 by the end of December 1st. So therefore, we know
19 that. Why prolong this? But I understand that by
20 us suspending and keeping that window open and
21 paying the 3,500 and your business will be open, you
22 have that option, but you have said there's no
23 money. You couldn't pay this, so --

24 MR. LOPEZ: She prefers to pay a

1 lower amount and on December 1st, she'll come up
2 with whatever she owes.

3 MR. PICHARDO: See, we don't want
4 to be -- leave you to your -- to depend on you to
5 come December with \$18,000. We want to hold you
6 accountable so every month you're coming in and
7 paying something. We've done this before and just
8 like we did for September 1st. We agreed it was
9 \$4,500.

10 MS. TERRERO: (Speaking in
11 Spanish)

12 MR. PICHARDO: I know, I get that.
13 I get that. Listen, you need to stop. You're not
14 helping yourself. You're not helping yourself.

15 MR. DESIMONE: The Board can also
16 inquire as to what she can pay and how she attempts
17 to come up with the \$18,000.

18 MR. PICHARDO: She has already
19 stated she can't pay it. So, Commissioner Harris?

20 MS. HARRIS: I'd like to make a
21 motion, it's a two-part motion. The first part is
22 as of right now, all of the licenses for Ada's
23 Creations are suspended, and what that means is no
24 bakery, no sandwiches, no home delivery, no -- all

1 of the licenses will be suspended. The second part
2 of the motion is that by December 1st, and I don't
3 care when it comes in, but before December 1st,
4 \$18,000 will be paid and a new agreement will be
5 executed with the solicitor for the remainder of the
6 \$56,000. So I do not think this Board, with all due
7 respect, should get into another dribbles and drabs
8 on this. This is about our tenth hearing on this.

9 MR. DESIMONE: The only comment I
10 would have for the Board is, I think, that the
11 amount owed is \$17,000, since we received a
12 thousand.

13 MS. HARRIS: So I amend this
14 motion that before December 1st, \$17,000 any time
15 between now and December 1st, and there is a signed
16 agreement with the solicitor explaining how the
17 remainder of the \$56,000 is going to be paid. So
18 the establishment is closed and if they want to have
19 their license reinstated or un-suspended or whatever
20 the word is, they pay the \$17,000 and they have a
21 new agreement that's signed with the solicitor.

22 MR. PICHARDO: So there's a motion
23 on the table. Is there a second? There's no
24 second. Is there a new motion?

1 MS. RODRIGUEZ-MASJOAN: I would
2 make a motion that we would suspend the license with
3 the expectation that --

4 MR. NEWTON: That they would
5 adhere to the prior agreement, which is that she
6 bring the current outstanding up to date.

7 MS. RODRIGUEZ-MASJOAN: Which is
8 the \$3,500.

9 MR. NEWTON: The 3,500 and all
10 future payments would have to be paid on time in
11 order to open.

12 MR. PERALTA: Second.

13 MR. DESIMONE: You're referring to
14 \$4,500?

15 MS. RODRIGUEZ-MASJOAN: \$4,500,
16 yes.

17 MR. PICHARDO: Just to be crystal
18 clear on the motion --

19 MR. DESIMONE: I think what the
20 motion is that she be suspended.

21 MR. PICHARDO: All licenses
22 suspended.

23 MR. DESIMONE: All licenses
24 suspended pending adherence to the payment schedule

1 as follows: \$3,500 for September; \$4,500 on or
2 about October 1st; \$4,500 on or about November 1st;
3 and another \$4,500 before December 1st. That would
4 bring her current on the outstanding balance. I
5 believe that's the intent of the motion, and upon
6 making those payments, she would be able to open
7 automatically without coming before this Board.

8 MR. PICHARDO: Is that the motion?

9 MS. RODRIGUEZ-MASJOAN: Yes.

10 MR. PERALTA: Second.

11 MR. PICHARDO: I would like to
12 amend that or we add we review every thirty days, is
13 there a second? You want to comment even though
14 you're not voting?

15 MR. NEWTON: I would be against
16 every month. It's either done or it isn't.

17 MS. RODRIGUEZ-MASJOAN: Right.
18 You don't need to.

19 MR. PICHARDO: You don't want to
20 see her monthly?

21 MS. RODRIGUEZ-MASJOAN: No. You
22 don't pay, you don't open.

23 MR. PERALTA: I second.

24 MR. PICHARDO: There is a motion

1 and there is a second.

2 (BOARD VOTES AND MOTION CARRIES)

3 MR. PICHARDO: Any abstentions?
4 Any nays?

5 MS. HARRIS: Nay.

6 MS. RODRIGUEZ-MASJOAN: Just to be
7 clear, I would ask that we put it in writing in
8 letter form, like in a decision, so that she has it.

9 MR. DESIMONE: We will put this in
10 letter form similar to a decision. I'll go over and
11 do that at the clerk's office right after this.

12 MR. PICHARDO: Just so you --
13 translate for her. To be clear, the Board has made
14 the decision to suspend all licenses with the
15 agreement that you pay in order to open. You pay
16 \$3,500 and you can open. Then in October, \$4,500;
17 and in November, \$4,500; and just before December
18 1st another \$4,500, which is the original agreement.
19 It's up to you now to come forward and we are going
20 to put this in letter form, that way you have
21 something in writing. We're not going to review
22 this every month. What will be determined if
23 payments are not made, it will be automatic
24 suspension of all licenses.

1 MS. HARRIS: Through the Chair,
2 does the licensee understand all of the licenses are
3 suspended, no bakery, no sandwiches, no everything?

4 MR. PICHARDO: So--

5 MS. TERRERO: Chairman, (speaking
6 in Spanish).

7 MR. PICHARDO: I understand.

8 MS. CONLEY: If she were to come
9 in tomorrow or next week with \$3,500, she could be
10 open until October 1st?

11 MR. PICHARDO: Yes.

12 MS. RODRIGUEZ-MASJOAN: Yes. I
13 need to go.

14 MR. PICHARDO: You need to go?
15 Okay. You can come to the city and pay \$3,500 and
16 you can open.

17 MR. LOPEZ: Well, she says -- she
18 says that elections are around the corner nobody is
19 here permanently. You are elected officials. She's
20 reminds them of that.

21 MS. HARRIS: She's trying to
22 threaten you with the election season around the
23 corner.

24 MR. PICHARDO: Speak up.

1 MS. HARRIS: She's threatening
2 you.

3 MR. PICHARDO: I'm going to
4 conclude this matter and --

5 MR. LOPEZ: She said to
6 Senator Pichardo to stop by to the business. She
7 wants to speak to him face to face. And all the
8 stuff and all the briberies that was being done in
9 our business. We -- she is going to be public about
10 it. Everything that they gave her here, and she is
11 going to make it public so everybody will know all
12 the things that are going on with licensing
13 department and all the bribery.

14 MR. DESIMONE: Then I would tell
15 her on the record that she should report those items
16 to a Providence police officer or detective so that
17 an investigation can be conducted and that the
18 guilty parties can be punished.

19 MR. PICHARDO: I would suggest
20 also on the record --

21 MS. TERRERO: I represent this to
22 the mayor and he is going to listen to me, because
23 what they've been doing is helping their friends and
24 that's why they steal \$29,000 from me.

1 MR. PICHARDO: In addition to what
2 the attorney has said, then I would suggest that you
3 go to the Attorney General. If you have information
4 on other things, you should file with the state
5 police because one of the things we want to make
6 sure that it's clear, we want to work with the
7 business and with people and, in addition, to be
8 transparent. If you have any other information, you
9 need to file properly with the Attorney General and
10 also the State Police. This hearing is now
11 concluded.

12 MR. DESIMONE: I would ask the
13 stenographer so she knows to give us a copy of the
14 record. I'll forward a copy to the Solicitor, I'll
15 forward it the Attorney General, and the Attorney
16 General will most likely forward that to the State
17 Police.

18 MS. TERRERO: Very good, very
19 good.

20 MR. PICHARDO: And someone will be
21 contacting her.

22 (HEARING CLOSED)

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C E R T I F I C A T E

I, REBECCA L. HOY, Notary Public, do hereby
certify that I reported in shorthand the foregoing
proceedings, and that the foregoing transcript
contains a true, accurate, and complete record of
the proceedings at the above-entitled hearing.

IN WITNESS WHEREOF, I have hereunto set my
hand this 9th day of September, 2015.

REBECCA L HOY, NOTARY PUBLIC/COURT REPORTER
MY COMMISSION EXPIRES October 28, 2018.