

**STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL**

IN THE MATTER OF:

QUIDNESSETT COUNTRY CLUB

CRMC File No.: 23-0185

**QUIDNESSETT COUNTRY CLUB'S
MOTION TO ASSIGN TO A HEARING OFFICER**

Pursuant to R.I. General Laws §§ 46-23-7.1(2) and 46-23-20, Quidnessett Country Club (“QCC”) respectfully requests that the Coastal Resources Management Council (“CRMC”) assign the above matter to a hearing officer for an administrative hearing and appropriate prehearing procedures. As discussed below, QCC is entitled to proceed before a hearing officer pursuant to CRMC’s enabling act. Accordingly, for the reasons stated, QCC respectfully requests that CRMC grant this motion.

I. BACKGROUND

QCC owns a 71-acre property at 950 N. Quidnessett Road, North Kingstown, Rhode Island (“QCC Property”). The QCC Property sits along Narragansett Bay. Since about 1959, the QCC Property has operated as a private golf and country club. QCC offers its members and the public extensive amenities, including a banquet and function facility, a restaurant, and a multi-pool complex. The QCC Property also houses 17 high-density residential buildings with 46 units.

The signature and foundational feature of the QCC Property is the 18-hole, par 72, 6,500-yard golf course designed by world renowned golf course architect Geoffrey Cornish in the late 1950s. Over the years, QCC’s golf course has hosted thousands of golf tournaments, including professional and amateur golf championships, as well as frequent non-profit, charity golf tournaments. The course’s signature hole is the 14th hole, located directly along Narragansett

Bay with magnificent views to the north and east. The fairway and green of the 14th hole, along with the golf cart path, run along and directly abut the QCC Property's northeastern shoreline bluff.

QCC previously had installed shoreline protection consisting of large coir envelopes – referred to as burritos – to protect its property and the golf course. In December 2022, the burritos were washed away completely by intense coastal storms. The land immediately adjacent to the 14th hole subsequently collapsed. To protect against further damage to the land and the threatened loss of the 14th hole, QCC began implementing replacement shoreline protections in January 2023.

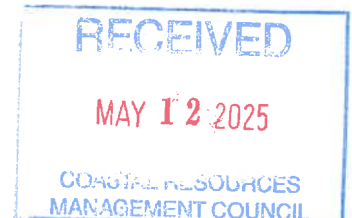
On August 21, 2023, CRMC's Deputy Director issued a Notice of Administrative Fine to QCC in connection with these shoreline protections. On August 28, 2023, CRMC staff issued a Cease and Desist Order (No. 23-0185) purportedly as of August 21, 2023, and the Deputy Director issued two additional Notices of Administrative Fine. QCC did not receive the Cease and Desist Order or the Notices of Administrative Fine until September 19, 2023.

QCC contested the Cease and Desist Order and Notices of Administrative Fine. It timely filed a written request for an administrative hearing pursuant to R.I. Gen. Laws § 46-23-7.1(2). QCC reiterated its request for an administrative hearing several times. Most recently, QCC requested an administrative hearing in a letter dated May 7, 2025.

In light of CRMC's continued failure to assign this matter to a hearing officer in accordance with the enabling act, QCC now brings this Motion to Assign.

II. LEGAL STANDARD AND ARGUMENT

R.I. General Laws § 46-23-20 states that, "All contested cases, *all contested enforcement proceedings*, and all contested administrative fines *shall* be heard by the administrative hearing



officers.” R.I. Gen. Laws § 46-23-20 (emphasis added). The role of the hearing officer is to “make written proposed findings of fact and proposed conclusions of law,” which the hearing officer then submits to the Council for review. R.I. Gen. Laws § 46-23-20.4. The hearing officer also has authority and discretion to implement appropriate prehearing procedures. *See* R.I. Gen. Laws § 46-23-20.3.

Additionally, R.I. General Laws § 46-23-7.1(2) allows a party in receipt of a Notice of Administrative Fine to file a written request for a hearing before a hearing officer within twenty-one day of receipt of the notice. R.I. Gen. Laws § 46-23-7.1(2). The statute further provides that the request for a hearing stays the accrual of any additional daily penalties until the Council issues a final order. *Id.*

In this case, QCC has contested the Cease and Desist Order, making this a contested enforcement proceeding. QCC also has contested the Notices of Administrative Fines and timely requested an administrative hearing. Accordingly, under the clear statutory language, QCC is entitled to have the matter assigned to a hearing officer to conduct appropriate fact finding and make proposed findings of fact and conclusions of law. Section 46-23-20 does not allow for the full Council to hear a contested enforcement matter prior to receiving such proposed written findings and conclusions. *See also Dumplings Ass’n, Inc. v. Coastal Resources Mgmt. Council*, C.A. No. PC-2021-00296 (R.I. Super. Ct. Jan. 22, 2025) (Lanphear, J.) (vacating CRMC decision for failure to assign matter to a subcommittee pursuant to the Management Procedures). QCC therefore asks CRMC to grant its motion.

III. CONCLUSION

For these reasons, Quidnessett Country Club respectfully requests that the Coastal Resources Management Council grant its motion to assign this matter to a hearing officer.



Respectfully submitted:
Quidnessett Country Club

By and through its attorneys,

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CERTIFICATE OF SERVICE

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I hereby certify that I sent the within document via email and via regular mail in quadruplicate to the CRMC in Wakefield, Rhode Island on May 5, 2025.

/s/ Jennifer Cervenka

