

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

QUIDNESSETT COUNTRY CLUB, INC.
Plaintiff/Appellant

VS.

C.A. No.:

RHODE ISLAND COASTAL
RESOURCES MANAGEMENT COUNCIL, by
and through JEFFREY WILLIS, in his capacity
as Executive Director, and RAYMOND C.
COIA, PATRICIA REYNOLDS, RONALD
GAGNON, STEPHEN IZZI, JOSEPH
RUSSOLINO, and MICHAEL REUTER, in
their capacities as Councilmembers,
Defendants/Appellees.

COMPLAINT

Now comes the Plaintiff, Quidnessett Country Club, Inc. ("Plaintiff") and, pursuant to R.I. Gen. Laws § 42-35-15, files the within Complaint appealing a final order of the Defendant, Rhode Island Coastal Resources Management Council, together with its Executive Director, Jeffrey Willis, and its individual members Raymond C. Coia, Patricia Reynolds, Ronald Gagnon, Stephen Izzi, Joseph Russolino, and Michael Reuter ("CRMC").

PARTIES

1. Plaintiff is a Rhode Island domestic corporation with its principal place of business at 35 Sockanosset Cross Road, Cranston, RI 02920.
2. Defendant CRMC is a Rhode Island agency established by R.I. Gen. Laws §46-23-1 *et seq.*



JURISDICTION and VENUE

3. Jurisdiction exists and venue is appropriate pursuant to R.I. Gen. Laws § 42-35-15.

FACTS

4. Plaintiff owns property at 950 N. Quidnessett Road, North Kingstown, RI, 02852, Plat 167, Lot 2 (the “Property”), where it operates a golf club, including an 18-hole golf course that pre-dates the establishment of the CRMC.

5. The back nine of the golf course lies along the coastal edge of the Property’s northeastern shoreline.

6. Despite costly efforts over the last decades to protect Plaintiff’s shoreline, the coastal area has been ravaged by storms and eroded aggressively, causing irreparable damage to the golf course and loss of property.

7. On August 21, 2023, the CRMC issued to Plaintiff under CRMC enforcement file no. 23-0185, a Cease & Desist Order related to a stone revetment along a segment of Plaintiff’s shoreline. In addition, the CRMC issued three Notices of Administrative Fines for alleged unauthorized construction of the revetment, cutting of vegetation, and filling of tidal waters (the C&D and Notices of Administrative Fines are collectively referred to as “Enforcement Action”).

8. Each Notice of Administrative Fine included a statement, “You have the right to file an appeal for an “Administrative Hearing, within 21 days from the receipt of this notice.”

9. Each Notice of Administrative Fine contained just a single sentence identifying the alleged violation giving rise to the Notice of Administrative Fine.

10. On September 19, 2023, Plaintiff received the Enforcement Action documents.

11. On October 10, 2023, Plaintiff timely filed a written request for an administrative hearing



pursuant to R.I. Gen. Laws § 46-23-7.1(2), which statute requires the Executive Director to designate a hearing officer if such a request is made. Plaintiff simultaneously requested to engage in settlement discussions with CRMC to attempt to resolve the Enforcement Action short of a full administrative hearing.

12. At the time of Plaintiff's request, a CRMC administrative hearing officer had been serving in that capacity since June 2023.

13. In May 2024, CRMC ordered the Plaintiff to submit a restoration plan for the Property's shoreline.

14. In response to the order, the Plaintiff renewed its request to refer the Enforcement Action to the administrative hearing officer under the authority of R.I. Gen. Laws § 46-23-7.1(2).

15. CRMC refused to refer the Enforcement Action to the administrative hearing officer.

16. Between August 2024 and May 2025, Plaintiff submitted multiple restoration plans to the CRMC in an attempt to settle the Enforcement Action.

17. The CRMC rejected all restoration plans submitted by Plaintiff.

18. A primary reason the CRMC rejected the plans was the fact that CRMC disagreed with the Plaintiff's proposed location of the "toe of the berm" line, *i.e.* the distance to which the shoreline protection can extend seaward (the "Toe of the Berm Line").

19. The Toe of Berm Line insisted on by the CRMC was arbitrary and capricious because it contradicts the slope specified in a 2013 restoration plan approved by the CRMC, disregards the 2013 as-built restoration supervised weekly by CRMC staff, is inconsistent with the 2013 as-built graphic prepared by the CRMC-required environmental monitor, and is based upon unsupported assumptions and a lost record.

20. Further, CRMC's erroneous Toe of Berm Line would require the Plaintiff to cut into its



golf course and lose its 14th hole, even though the golf course and the location of the 14th hole predate the agency itself.

21. The Toe of Berm Line proposed by the Plaintiff allows shoreline protection to extend to a line approved by the agency in 2013 and preserves the integrity of the golf course.

22. In March 2025, Plaintiff renewed its request to refer the Enforcement Action to the administrative hearing officer for a third time, specifically referencing R.I. Gen. Laws § 46-23-20.

23. R.I. Gen. Laws § 46-23-20 requires that “all contested enforcement proceedings, and all contested administrative fines *shall* be heard by the administrative hearing officers.” *Id.* (emphasis added).

24. It was abundantly clear that Plaintiff and CRMC had a material contested issue with respect to the manner in which Plaintiff should cease the alleged activity outlined in the Cease and Desist Order and restore the Property.

25. Nevertheless, CRMC ignored Plaintiff’s March 2025 request to assign this contested enforcement proceeding to the administrative hearing officer.

26. In May 2025, Plaintiff filed with CRMC a Motion to Assign the Enforcement Action to the administrative hearing officer (“Motion to Assign”).

27. On May 29, 2025, the CRMC issued a Notice of Enforcement Action to Plaintiff, which was to be heard at the CRMC’s semi-monthly meeting on June 10, 2025. The Notice stated that Plaintiff had a “right to present evidence before the CRMC and to cross-examine or rebut any testimony proffered by CRMC staff.”

28. At its June 10, 2025 meeting, CRMC heard the Motion to Assign.

29. At the meeting, the Plaintiff argued that there were contested issues in the



Enforcement Action, including the Toe of Berm Line and the Notice of Administrative Fine for removal of vegetation, and that applicable statutory law required that a contested enforcement proceeding involving administrative fines be heard by an administrative hearing officer.

30. At the meeting, CRMC's Executive Director opined that the Enforcement Action was not contested.

31. Based upon the Executive Director's assertion that the Enforcement Action was not contested, the CRMC voted to deny the Motion to Assign.

32. At the meeting, the CRMC staff read from a prepared staff report outlining the alleged violations and citing the sections of CRMC regulations purportedly violated.

33. CRMC did not present any witnesses under oath to provide sworn testimony.

34. Nor was the Plaintiff afforded an opportunity to cross-examine any CRMC witness with respect to the alleged violations or any proposed restoration.

35. Although CRMC staff described – not under oath and not subject to cross examination – its reasons for advocating for its preferred Toe of Berm Line, Plaintiff was denied the ability to present its own evidence or rebut the evidence presented by CRMC on contested issue.

36. Plaintiff had two witnesses present at the hearing and prepared to offer testimony pursuant to the Notice sent in advance of the hearing.

37. CRMC refused to allow Plaintiff to present these witnesses and did not hear their testimony.

38. Following CRMC staff's recitation of the staff report, the CRMC approved an order to restore requiring Plaintiff to deliver an acceptable restoration plan to CRMC within thirty (30) days, and commence and complete a restoration of the shoreline within ninety (90) days of the date on which the acceptable restoration plan is filed (collectively, the "Enforcement Decision").



COUNT I

39. Plaintiff hereby incorporates paragraphs 1-38 as if fully set forth herein.

40. The CRMC is an agency within the meaning of the Administrative Procedures Act, R.I.

Gen. Laws § 42-35-1 *et seq.*

41. The Enforcement Decision is a final order in a contested enforcement proceeding.

42. Plaintiff is aggrieved by the Enforcement Decision.

43. The Plaintiff has exhausted all administrative remedies available to it.

44. The Enforcement Decision contravenes R.I. Gen. Laws §§ 46-23-20 and 46-23-7.1(2) in denying Plaintiff its right to a hearing before an administrative hearing officer in a contested enforcement proceeding and where administrative penalties have been assessed.

45. The Enforcement Decision unlawfully denied Plaintiff its right to present evidence or rebut CRMC staff testimony on contested enforcement issues.

46. Pursuant to R.I. Gen. Laws §42-35-15(g), the Enforcement Decision should be reversed because it is: (1) in violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the agency; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

WHEREFORE, the Plaintiff requests the following relief:

1. That the Court reverse the Enforcement Decision;
2. Alternatively, that the Court vacate the Enforcement Decision and remand the matter back to the CRMC with direction to assign the Enforcement Action to CRMC's administrative hearing officer;



3. That the Court order a stay of the Enforcement Decision until such time as the appeal is resolved or the matter is fully considered and decided by CRMC's administrative hearing officer; and
4. That the Court award Plaintiff its attorneys' fees and interest and costs and such other relief as is necessary and appropriate.

Respectfully submitted:
Quidnessett Country Club, Inc.
By and through its attorneys,

/s/ Jennifer Cervenka
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Dated: July 9, 2025

