STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL

In re:
Champlin's Realty Associates No. 2003-05-155

MEMORANDUM OF CONSERVATION LAW FOUNDATION

I. Introduction

Conservation Law Foundation (CLF) respectfully submits its Memorandum of Law.

The matter currently before the Coastal Resources Management Council (CRMC) is extremely narrow in scope, and pertains only to Champlin's Marina's (Champlin's) equal protection claim. Broader issues pertaining to the propriety of the CRMC's decision to deny Champlin's application are not now before the CRMC.

II. Facts Relevant To the Current Proceeding

On January 11, 2011, on remand from the Supreme and Superior Courts, the CRMC voted unanimously to deny Champlin's application to expand its marina four acres into the Great Salt Pond.

On May 6, 2011, the CRMC issued its written decision denying Champlin's application.

On June 1, 2011, Champlin's timely appealed the CRMC's permit denial to the Superior Court pursuant to the Administrative Procedures Act, R. I. Gen. Laws § 42-35-15.

The Superior Court docketed Champlin's APA appeal as Case No. PC 11-0615. That case remains pending today.

All parties presented briefs to the Superior Court on the underlying issues in the APA appeal.

The briefing took some considerable time, but by February 10, 2012, all of the parties' briefs, reply briefs, and sur-reply briefs had been submitted to the Superior Court.

After the submission of all the briefs, Champlin's raised its constitutional equal protection claim. Champlin's now claimed that CRMC had violated Champlin's right to equal protection by denying its (Champlin's) permit to expand its marina while granting the Payne's Dock permit to expand.

On March 12, 2012, Superior Court Associate Justice Kristin E. Rodgers decided that she wanted to hear the opinion of the CRMC on Champlin's equal protection claim before she ruled on that claim.

On September 17, 2012, Judge Rodgers specifically directed the CRMC to "consider whether Champlin's and Payne's are similarly situated and whether there is a rational basis for the difference in treatment of their respective expansion applications."

These are the only two matters now before the CRMC: (a) "whether Champlin's and Payne's are similarly situated;" and (b) "whether there is a rational basis for the difference in treatment of their respective expansion applications."

Judge Rodgers will ultimately have to address Champlin's equal protection claim; but Judge Rodgers has asked to hear the CRMC's views on that matter before she rules.

III. The Standard Governing Champlin's Equal Protection Claim

When the Superior Court reviews the equal protection portion of Champlin's claim, it will use the rational relationship test.

Where, as here, the governmental action complained of does not implicate a fundamental right or a suspect class of persons, the action must be sustained if there is a rational relationship between the government action and a legitimate state interest. State v. Faria, 947 A.2d 863, 868 (R.I. 2008).

Under the rational relationship test, the Superior Court will uphold the CRMC's two rulings if the Court can find any rational basis for the action. "Thus, to overcome the presumption of validity . . . a party has the burden to negate every conceivable basis which might support it." Id. (quoting Power v. City of Providence, 582 A.2d 895, 903 (R.I. 1990) (quoting Medeiros v. Vincent, 431 F.3d 25, 32 (1st Cir. 2005) internal quotation marks omitted; emphasis as in original)).

Courts are especially deferential to agency decisions in the context of a party's claim to be in a so-called "class of one," which is Champlin's claim here. As will be more fully explained below, courts uniformly fear that broad application of the class-of-one theory risks making a constitutional case out of every garden-variety decision by a governmental agency. See, e.g., Analytic Diagnostic Labs, Inc. v. Kusel, 626 F.3d 135, 142 (2d Cir. 2010).

There is no dispute on the standard that governs Champlin's equal protection argument. Champlin's has acknowledged that the rational relationship test applies here. In

its November 13, 2012 Memorandum of Law, Champlin's stated: "After the evidence is presented, the CRMC must decide whether the marinas are similarly situated and whether there is a rational basis for the different treatment of their respective expansion applications." Champlin's Memorandum, at 1. (Accord Champlin's Memorandum at 3, stating that the sole issue is "strictly limited" to "whether there is a rational basis for the difference in the treatment of their respective expansion applications.")

IV. Discussion

A. Record Evidence of a Rational Basis for Different Decisions

All parties agree that the CRMC made different decisions in the two different cases. Champlin's was denied a CRMC permit to expand; Payne's Dock was granted a permit to expand.

The record evidence shows, however, that the CRMC had at least four separate rational bases for its disparate decisions: (1) difference in size between the two marinas; (2) difference in efficiency of use of existing space; (3) difference in impingement on existing mooring fields; and (4) difference in navigational safety. Importantly, under controlling law, the presence of any one of these four separate reasons is sufficient to defeat Champlin's spurious claim of an equal protection violation. Faria, supra, 947 A.2d at 868.

As a preliminary matter, CLF sets forth in this section the record evidence that the two applications were both treated fairly and in a consistent manner by CRMC. CLF then

provides citations to the record evidence supporting each of the four separate rational bases for the disparate CRMC decisions.[1]

Preliminary: The two applications were both treated fairly. CRMC employee Kenneth Anderson supervises CRMC's engineering section. Tr., p. 478, lines 1-6. Mr. Anderson has worked for CRMC for over 25 years. Tr., p. 478, lines 11-13. During that period, he has worked on every marina permit application that has come before the CRMC. Tr., p. 478, line 14 to p. 479, line 6. Mr. Anderson worked on the Champlin's application. Tr., p. 479, line 21-24. Mr. Anderson worked on the Payne's application. Tr., p. 480, lines 1-7.

Mr. Anderson's unchallenged, unrefuted testimony is that the CRMC addressed both marina applications in an identical manner. See, generally, Tr., p. 480, line 12 to page 483, line 15.

In both cases, the CRMC looked at the specific provision in the CRMC's Coastal Resources Management Program (CRMP), specifically Section 300.4. Tr., p. 480, line 12 to page 481, line 5. In both cases, CRMC applied the applicable provision(s) of the CRMP to the respective marina applications. Id. For both the Champlin's and Payne's Dock applications, Mr. Anderson began his report by actually quoting the relevant language of the CRMP. Tr., p. 482, lines 21-24. Then, for both the Champlin's and Payne's Dock

[1] The CRMC's hearing was conducted on five separate dates: July 31, 2012; November 16, 2012; February 12, 2013; February 26, 2013; and April 1, 2013. For ease of reference, the stenographer numbered the transcript pages for the five session sequentially. Thus, CLF can, without creating any ambiguity, simply refer herein to the Transcript page number. CLF uses the abbreviation "Tr."

applications, Mr. Anderson demonstrated how the facts of the respective applications did or did not comport with the controlling CRMP provision(s). Tr., p. 483, lines 1-11.

CRMC utilized exactly the same procedure in addressing both the Champlin's and Payne's Dock applications. Tr., p. 483, lines 12-15.

CRMC applied "the same criteria" and "the same standard" to both the Champlin's and Payne's Dock applications. Tr., p. 495, line 17 to p. 496, line 17.

In fact, at the February 26, 2013 hearing, CRMC member Tony Affigne asked Mr. Anderson directly whether the CRMC staff's review was fair and even-handed in every way. Tr., p. 621, line 22 to p. 622, line 14. Mr. Anderson's answer was clear and unambiguous: "[T]he staff applied the same process, the same analysis, the same implementation of the CRMP applicable standards to both applications." Tr., p. 623, line 23 to p. 624, line 2. Mr. Anderson's full answer appears at Tr., p. 623, line 23 to p. 625, line 5.

Mr. Anderson's unambiguous testimony was corroborated by testimony from the CRMC Executive Director Grover Fugate. Like Mr. Anderson, Mr. Fugate was asked directly whether the requirements of the CRMP had been applied to the two applications uniformly, fairly, and without discrimination. Executive Director Fugate testified that the CRMP requirements had been applied fairly and uniformly to the two applications. Tr., p. 687, line 17 to p. 688, line 18.

Rational Basis # 1: Different Sizes. Steven Land is the Block Island Harbormaster. Tr., p. 336, lines 13-16. Mr. Land has been the Harbormaster for three

years. Tr., p. 338, lines 19-21. He was the Assistant Harbormaster for two years before becoming Harbormaster. Tr., p. 338, lines 14-17. In these positions, Mr. Land is responsible for vessel safety, passenger safety, and the environment in the Great Salt Pond. Tr., p. 338, line 22 to p. 339, line 12. A majority of his working time is spent on a boat, in the Great Salt Pond, carrying out his Harbormaster duties. Tr., p. 339, line 16 to p. 341, line 3. As Harbormaster, Mr. Land is involved when large boats come into the Great Salt Pond. Tr., p. 341, lines 4 to p. 342, line 1.

As Harbormaster and as Assistant Harbormaster, Mr. Land has directly observed, on a daily basis, the boating activity at both Champlin's and Payne's Dock. Tr., p. 344, line 19 to p. 345, line 3.

Mr. Land was asked directly whether the vastly different sizes of the two proposed marina expansions (Champlin's 240 feet; Payne's 80 feet) provided a rational basis for the two different CRMC decisions. Tr., p. 373, lines 8-12. Mr. Land's answer was clear and unequivocal. His testimony was that the different sizes of the proposed expansions provided a rational basis for the two different CRMC decisions. Tr., p. 374, lines 3-11.

Mr. Anderson's testimony agreed with Mr. Land's testimony, but went into significantly more detail. See generally, Tr., p. 496, line 18 to p. 497, line 9. Specifically, Mr. Anderson testified that the proposed Champlin's expansion was to be fully four acres into the Great Salt Pond, and was, for that reason, inconsistent with the CRMP. Tr., p. 496, line 23 to p. 496, line 5; CRMP, Section 300.4.B.1(b). In contrast, the proposed

Payne's Dock expansion was less than one-tenth of Champlin's proposed expansion and was therefore not inconsistent with the CRMP. Tr. p. 497, lines 2-9.

Further, Mr. Anderson testified that proportionality was part of the CRMC's decision-making process in the case of both the Champlin's and the Payne's Dock applications. Specifically, Mr. Anderson testified that the two applications were ruled on differently because the Champlin's application sought a very large (four acre) expansion, while the Payne's Dock application sought a much smaller expansion (less than half an acre). Tr., p. 614, lines 4-14.

The testimony of Messrs. Land and Anderson was further corroborated by the testimony of Executive Director Fugate. He testified that the CRMC had necessarily come to different decisions in the two different cases because of the vast difference in the sizes of the requested expansions in the two cases. Tr., p. 690, line 6 to p. 691, line 1.

Rational Basis # 2: Differences in efficiency in existing use. The applicable portion of the CRMP requires that a marina must make efficient use of its existing space before it can be granted a CRMC permit to expand. Tr., p. 485, lines 4-8; p. 486, lines 3-23; CRMP Sections 300.4.B.1(b) and (c) and (f); 300.4.C.1(a)(1).

The CRMC considered the question of efficient use of existing space in ruling on the expansion applications of both Champlin's and Payne's Dock. Tr., p. 486, line 24 to p. 487, line 12.

When the CRMC performed the efficiency analysis for Champlin's, it decided that Champlin's used its existing space inefficiently and, thus, was ineligible under the rules for

an expansion. Tr., p. 487, line 13 to p. 491, line 4; p. 597, lines 19-22. See, especially, Tr., p. 490, lines 16-17 ("Factors that contribute to the [Champlin's] inefficiency are the obvious layout of the dockage . . . .")

When the CRMC performed the efficiency analysis for Payne's Dock, it decided that Payne's Dock uses its existing space efficiently and, thus, conforms to the applicable section of the CRMP. Tr., p. 491, lines 9-15; p. 598, lines 17-19.

Rational Basis # 3: Difference in impingement on existing mooring fields. The proposed expansion of Champlin's would have seriously and impermissibly impinged on the existing Town Mooring Field E. Conversely, the proposed expansion of Payne's Dock would not have impinged on any existing mooring fields in the Great Salt Pond. Tr., p. 363, line 6 to p. 365, line 22 (testimony of Harbormaster Land, as to Payne's); p. 370, line 24 to p. 372, line 10 (testimony of Harbormaster Land, as to Champlin's); Tr., p. 502, line 7 to p. 503, line 7.

This fact alone is a sufficient basis for the CRMC coming to different decisions regarding the two different expansions. Faria, supra, 947 A.2d at 868 (stating that the agency action must be sustained if there is any rational basis at all to sustain it).

Rational Basis # 4: Differences in navigational safety issues. Mr. Anderson testified that the CRMC staff, applying identical criteria in an even-handed way, made different recommendations concerning the two different applications, in part, because of navigational safety issues. Champlin's was a far larger marina, with significantly more congestion, proposing a larger expansion that would pose major issues for navigational

safety. In contrast, Payne's Dock was a smaller marina, with less boat congestion, proposing a much, much smaller expansion; this would not pose navigational safety issues. Tr., p. 495, line 17 to p. 497, line 9; CRMP Section 300.4.E.1(f).

Mr. Anderson's assessment of the differences in congestion and safety was corroborated by Harbormaster Land. Tr., p. 347, line 14 to p. 349, line 20. As Harbormaster Land said, "There is going to be congestion in front of Champlin's Marina." Tr., p. 347, line 23 to p. 348, line 1. However, at Payne's, "[i]t's going to be less for a multitude of reasons. There is more room. The fuel docks are not located right where you would try to get in . . . There's less boats that go to Payne's than goes to Champlin's, so you are going to have less congestion. . . ." Tr., p. 349, lines 13-18.

The assessment of Mr. Anderson's and Harbormaster Land about the differences regarding congestion and safety between the two marinas was further corroborated by witnesses Henry DuPont (Tr., p. 639, line 10 to p. 641, line 10); and Sven Risom. Tr., p. 668, line 10 to p. 670, line 15. Mr. Risom testified specifically about avoiding the area adjacent to Champlin's because of wanting to avoid possible accidents due to the congestion. Tr. p. 669, lines 14-24.

Again, the differences in navigational safety, without any other reason, would have been a sufficient basis for the CRMC to deny the Champlin's application and grant the Payne's Dock application. Faria, supra, 947 A.2d at 868.

B. Controlling Law on
Class-of-One Equal Protection Claims

In the previous section, CLF discusses the facts of the case. More specifically, CLF cites the applicable portions of the CRMP and directs the CRMC to the specific record evidence that shows that there were multiple rational and factual reasons why the CRMC granted the Payne's Dock expansion permit and denied the Champlin's application. In this section, CLF discusses the controlling law. The applicable law provides additional reasons as to why Champlin's equal protection argument must fail.

Champlin's claim of an equal protection violation is based on the class-of-one theory first adopted by the U.S. Supreme Court in Village of Willowbrook v. Olech, 528 U.S. 562 (2000). A class-of-one case is "rare and difficult to prove." Kahlily v. Francis, 2008 WL 5244596, *3 (N.D. Ill. Dec. 16, 2008). It is an equal protection claim that involves no suspect class such as race. In order to prevail is a class-of-one case, a plaintiff must prove both (1) differential agency treatment from others similarly situated and (2) no rational basis whatever for the differential treatment. McDonald v. Village of Winnetka, 371 F.3d 992, 1001 (7th Cir. 2004).

Class-of-one cases are recognized in Rhode Island. Mill Realty Assoc. v. Crowe, 841 A.2d 668, 674-675 (R.I. 2004).

At the same time, many courts have explained that class-of-one claims are disfavored because they threaten to create specious constitutional claims out of any and every adverse action taken by an administrative agency. Black Dog Outfitters, Inc. v.

Idaho Outfitters Licensing Bd., 873 F. Supp.2d 1290, 1306-07 (D. Ida. 2012) (citing Engquist v. Oregon Dept. of Agric., 478 F.3d 985, 993 (9th Cir. 2007) aff'd, 553 U.S. 591 (2008)).

Black Dog Outfitters presented a fact pattern similar to the instant case. Black Dog Outfitters was one of several companies that provided outfitting services for hunting and fishing expeditions on the Snake River in Idaho. 873 F. Supp.2d at 1294. Black Dog Outfitters applied to the state licensing board for a permit that would allow the company to expand its operations. Id. The state licensing board rejected the application from Black Dog Outfitters while granting permit expansions to competitors of Black Dog Outfitters. 873 F. Supp.2d at 1294-95. As in this case, Black Dog Outfitters sued the administrative agency, alleging a class-of-one equal protection violation. 873 F. Supp.2d at 1305 (citing Olech). The Court disposed of Black Dog Outfitters' spurious equal protection claim at the summary judgment stage. 873 F. Supp.2d at 1306 (finding both that Black Dog Outfitters was not similarly situated to other companies and that Black Dog Outfitters had not been differently treated than other companies).

Federal and state courts all over the country view with extreme skepticism appeals from administrative agency rulings brought by disappointed applicants who try to dress up their simple APA appeal (or other permit or license denial) as a class-of-one equal protection violation. Such claims almost never succeed. See, e.g., Ruston v. Town Board of Skaneateles, 610 F.3d 55 (2d Cir. 2010) (in context of application for new subdivision, explaining that, in order to succeed, class-of-one plaintiffs "must show an extremely high

degree of similarity between themselves" and others)); Srail v. Village of Lisle, 588 F.3d 940 (7th Cir. 2009) (in context of village declining to extend water main); Leib v. Hillsborough Pub. Transp. Comm'n, 558 F.3d 1301 (11th Cir. 2009) (in context of limousine license denial); Cordi-Allen v. Conlon, 494 F.3d 245 (1st Cir. 2007) (in context of zoning and environmental permits); Racine Charter One v. Racine Unified School Dist., 424 F.3d 677 (7th Cir. 2005) (in context of providing free school bussing to students); Harlen Assoc. v. Village of Mineola, 273 F.3d 494 (2d Cir. 2001) (in context of zoning and special use permit); Las Lomas Land Co. v. Los Angeles, 177 Cal.App.4th 837, 99 Cal.Rptr.3d 503 (2009) (in context of urban planning and land use).

The public-policy underpinning for this extreme skepticism was explained by the Court of Appeals for the Tenth Circuit:

> All [courts] have recognized that, unless carefully circumscribed, the concept of a class-of-one equal protection claim could effectively provide a [constitutional] cause of action for review of almost every . . . administrative decision made by state actors. It is always possible for persons aggrieved by government action to allege, and almost always to produce evidence, that they were treated differently than others with regard to everything from zoning to licensing to speeding, to tax evaluation. It would become the task of . . . courts . . ., then, to inquire into the grounds for differential treatment and to decide whether those grounds were sufficiently reasonable to satisfy equal protection review. This would constitute the . . . courts as general-purpose second-guessers of the reasonableness of broad areas of state and local decision-making . . .

Jennings v. City of Stillwater, 383 F.3d 1199, 1210-11 (10th Cir. 2004).

This skepticism of class-of-one claims is uniform across courts. The Court of Appeals for the Second Circuit, in a case arising from the licensing of a clinical testing laboratories, said bluntly: "[U]ncabined class-of-one theory risks making a constitutional

case out of every [governmental] decision . . . ." Analytic Diagnostic Labs, Inc. v. Kusel, 626 F.3d 135, 142 (2d Cir. 2010). The Court of Appeals for the Tenth Circuit, in another case arising from health and safety regulation, said, "[T]he main concern with class-of-one theory [is] that it will create a flood of claims [that] . . . could subject nearly all state regulatory decisions to constitutional review in" court. Kansas Penn Gaming v. Collins, 656 F.3d 1210, 1218 (10th Cir. 2011) (internal quotation marks and citation omitted).

The recent Georgia case of Hitch v. Vasarhelyi, 302 Ga.App. 381, 691 S.E.2d 286 (2010) was, in crucial respects, very similar to this case. In Hitch, as in this case, the appellant landowner and his neighbor both owned docks; the appellant landowner and his neighbor both applied to a state agency to enlarge their (respective) docks; the appellant's permit application was denied, while his neighbor's permit application was granted; the disappointed applicant appealed under the APA – and then tried to dress up his APA appeal as a class-of-one equal protection claim. 691 S.E.2d at 288, 292. The Georgia court would have none of it: "The doctrine of equal protection is triggered only if similarly situated parties are treated differently. If the parties in question are not so [similarly] situated, there can be no violation of equal protection." 691 S.E. 2d at 292.

Champlin's underlying appeal to the Superior Court is an APA appeal, and thus is controlled by a very deferential standard of renew. The Superior Court must affirm the CRMC's denial of the Champlin's permit application if there is any evidence in the record supporting the CRMC decision. Barrington School Comm. v. R.I. State Labor Relations Bd., 608 A.2d 1126, 1138 (R.I. 1992). So Champlin's – just like many past disappointed

permit applicants in many jurisdictions – dresses up its simple APA appeal as a class-of-one equal protection claim. However, as Champlin's itself has acknowledged to the Superior Court, that equal protection claim also fails if there is any rational basis for the CRMC's having come to different decisions in the Champlin's and Payne's Dock cases.

As demonstrated above, there is not merely some evidence, but extensive evidence in the record of at least four separate rational bases for the differing decisions. Under controlling law, which even Champlin's has acknowledged, any one of these four separate rational bases would be sufficient for denying Champlin's spurious equal protection claim.

C. Speculation Is Not Evidence

Champlin's concedes, as it must, that its argument is based largely on speculation.

In its November 13, 2012 Memorandum, Champlin's boldly stated: "Of course, one can only wonder why the Town of New Shoreham argued at the Champlin's hearing that the Great Salt Pond is at its 'capacity' and too crowded, yet appeared at the Payne's hearing and endorsed the application . . . ." Champlin's November 13 Memorandum, at 7.[2]

And Champlin's stated: "One certainly can speculate why no one, including the Intervenors and the town[,] appealed the [Payne's] expansion to the Superior Court." Id.

However, speculation is not evidence. In re Cohen, 507 F.3d 610, 614 (7th Cir. 2007) ("[O]f course speculation is not evidence.").

[2] In its most recent filing, on May 10, 2013, Champlin's expressly incorporated by reference the arguments presented in its November 13, 2012 Memorandum. Champlin's May 10, 2013 Memorandum, at 7.

A party "must present evidence, not mere argument, in order to meet his or her burden." U.S. v. Greeno, 679 F.3d 510, 514 (6th Cir. 2012) (citing U.S. v. Hough, 276 F.3d 884, 894 (6th Cir. 2002) for the proposition that "[s]peculation is not evidence").

In this case, the burden is on Champlin's to demonstrate – with record evidence, not with mere speculation – that the CRMC's differing decisions in the Champlin's and Payne's Dock cases have no rational bases.

Unfortunately, in its most recent submission, Champlin's wastes much space arguing a proposition that all parties agree on and is not at issue: that there are differences between the Champlin's and Payne's Dock cases. For example, Champlin's argues: "Champlin's was referred for hearing before a Subcommittee. Payne's was not . . . ." Champlin's May 10, 2013 Memorandum, at 39. And: "The CRMC issued a 14 page decision on Champlin's . . [but a] two page Payne's decision. . . ." Id., at 38. These assertions by Champlin's, while completely true, are also completely irrelevant. Champlin's burden in this proceeding is not to show that there were differences between how the Champlin's and Payne's Dock applications were handled. Champlin's heavy burden is to demonstrate that there was not a single rational basis for those differences. Merely repeating and re-stating the differences only serves to obfuscate this crucial point.

Simply put, Champlin's has not met its burden. In fact, Champlin's cannot meet its burden. Neither the facts nor the law support an equal protection claim.

V. Conclusion

The Superior Court has posed two specific, narrow issues to the CRMC: (a) "whether Champlin's and Payne's are similarly situated;" and (b) "whether there is a rational basis for the difference in treatment of their respective expansion applications." The CRMC can best assist the Superior Court by citing to specific portions of the record that demonstrate that: (a) Champlin's a Payne's Dock are not similarly situated; and (b) that fact accounts for the presence of multiple rational bases for the CRMC's respective decisions in the two cases.

In addition, the CRMC will assist the Superior Court by citing to specific portions in the record that show that the CRMC (and its staff) applied the same criteria from the CRMP to both applications in a fair and even-handed manner.

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CERTIFICATE OF SERVICE

I certify that true and accurate photocopies of the within Memorandum was served by first-class mail, postage prepaid on all of the following counsel of record on June 10, 2013: Robert D. Goldberg, Esq., Goldberg Law Offices, P.O. Box 557, Pawtucket, RI 02862; Kathleen Managhan, Esq., Houlihan, Managhan & Kyle, LLP, 2 Marlborough Street, Newport, RI 02840-2516; Thomas DiPrete, Esq., DiPrete Law Offices, 2 Stafford Street, Cranston, RI 02920-4464; Donald J. Packer, Esq., 1220 Kingstown Road, Peace Dale, RI 02879; R. Daniel Prentiss, Esq., One Turks Head Place, Suite 380, Providence, RI 02903; and Brian Goldman, Esq., CRMC, 681 Smith Street, Providence, RI 02903. The original was filed (by Federal Express) with CRMC, Stedman Government Center, 4808 Tower Hill Road, Suite 116, Wakefield, RI 02879 (sent on June 7, 2013).