STATE OF RHODE ISLAND

RHODE ISLAND TRAFFIC TRIBUNAL

STATE OF RHODE ISLAND	**:**	
	:	
v.	**:**	**C.A. No. T25-0007**
	:	**24001534337**
MICHAEL GALLOGLY	**:**	

DECISION

PER CURIAM: Before this Panel on July 30, 2025—Magistrate Landroche (Chair), Chief Magistrate DiSandro and Magistrate Welch—is the appeal of Michael J. Gallogly (Appellant) from a decision of Magistrate Michael DiChiro (Trial Magistrate) of the Rhode Island Traffic Tribunal, dated November 15, 2024, sustaining the charged violation of G.L. 1956 § 31-27-2.1, "Refusal to Submit to a Chemical Test." (Summons No. 24001534337.) Appellant's counsel, Frank R. Saccoccio, Esq., appeared before this Panel. Jurisdiction is pursuant to G.L. 1956 § 31-41.1-8. For the reasons described in this decision, Appellant's appeal is denied.

I

Facts and Travel

On November 15, 2024, following a trial at the Rhode Island Traffic Tribunal, the Trial Magistrate sustained the charged violation of G.L. 1956 § 31-27-2.1, "Refusal to Submit to a Chemical Test," and entered judgment against Michael J. Gallogly. *See* 11/15/2024 Judgment Card.

On April 30, 2025, Appellant, through counsel, appeared before the Trial Magistrate on a post-judgment motion seeking to substitute a charitable contribution in lieu of completing the statutorily required community service. *See* Apr. 30, 2025 Trial Tr. at 2:5-13. Specifically,

Appellant proposed to donate to a local dog pound as an alternative form of "giving back to the community." *Id*.

After hearing argument, the Trial Magistrate denied the motion, concluding that he lacked authority to modify the penalty expressly mandated by statute. *Id.* at 3:4-12. Notably, the record also reflects that Appellant subsequently made a $100 donation to a local food pantry, which is inconsistent with his request on appeal to substitute a charitable contribution to a pet rescue for the statutory requirement of community service. Aggrieved by the decision, Appellant filed this timely appeal.

II

Standard of Review

Pursuant to § 31-41.1-8, the Appeals Panel of the Rhode Island Traffic Tribunal possesses appellate jurisdiction to review an order of a judge or magistrate. Section 31-41.1-8(f) provides in pertinent part:

> "The appeals panel shall not substitute its judgment for that of the judge or magistrate as to the weight of the evidence on questions of fact. The appeals panel may affirm the decision of the judge or magistrate, or it may remand the case for further proceedings or reverse or modify the decision if the substantial rights of the appellant have been prejudiced because the judge's findings, inferences, conclusions or decisions are:
>
> (1) In violation of constitutional or statutory provisions;
> (2) In excess of the statutory authority of the judge or magistrate;
> (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."

In reviewing a hearing judge or magistrate's decision pursuant to § 31-41.1-8, this Panel "lacks the authority to assess witness credibility or to substitute its judgment for that of the hearing judge [or magistrate] concerning the weight of the evidence on questions of fact." *Link v. State*, 633 A.2d 1345, 1348 (R.I. 1993) (citing *Liberty Mutual Insurance Co. v. Janes*, 586 A.2d 536, 537 (R.I. 1991)). "The review of the appeals panel is confined to a reading of the record to determine whether the judge's [or magistrate's] decision is supported by legally competent evidence or is affected by an error of law." *Id.* (citing *Environmental Scientific Corp. v. Durfee*, 621 A.2d 200, 208 (R.I. 1993)). "In circumstances in which the appeals panel determines that the decision is '[c]learly erroneous in view of the reliable, probative, and substantial evidence on the whole record,' or is affected by 'error of law,' it may remand, reverse, or modify the decision." *Id.* "Otherwise, it must affirm the hearing judge's [or magistrate's] conclusions" on appeal. *Id.*; *see Janes*, 586 A.2d at 537.

III

Analysis

Appellant argues that the Trial Magistrate erred by denying his request to substitute a charitable contribution to a local dog pound in place of completing the statutorily required community service. Through counsel, Appellant asserts that this Court has the authority to interpret § 31-27-2.1 in a manner that permits alternative forms of "giving back to the community." Appellant further contends that criminal courts have, in limited circumstances, exercised discretion to allow such substitutions, and therefore the Traffic Tribunal should follow the same approach. Appellant emphasizes that he is not requesting suspension of the statute but, rather, a broader interpretation that would allow monetary donations as an equivalent form of service.

A. Statutory Requirements under § 31-27-2.1

Section 31-27-2.1 expressly provides that a motorist who refuses to submit to a chemical test "shall" be ordered, upon conviction, to perform between ten (10) and sixty (60) hours of community service, among other penalties. See § 31-27-2.1(b)(1)(vii). The plain language of the statute is mandatory, and it does not afford judicial discretion to substitute financial contributions or other alternatives in place of community service. This Court is bound by the statutory text, and it is well-settled that "[w]hen the language of a statute is clear and unambiguous, [the] judicial inquiry is at an end." *See State v. DiCicco*, 707 A.2d 251, 253 (R.I. 1998).

B. Authority of the Tribunal

Appellant asks this Tribunal to broaden the application of § 31-27-2.1 to allow a charitable contribution in place of mandatory community service. He argues that such a substitution would still serve the purpose of "giving back to the community," and he points to practices in criminal courts where, in limited circumstances, monetary payments have been accepted in lieu of community service.

This Panel is not persuaded. The Rhode Island Traffic Tribunal is a statutory court of limited jurisdiction. Its powers are confined to the penalties expressly authorized by Title 31. *See* G.L. 1956 § 31-41.1-6(c) (providing that a Traffic Tribunal judge "may impose any penalty authorized by any provision of Title 31"). When a statute specifies a penalty, the Tribunal cannot alter or expand it. Section 31-27-2.1(b)(1)(vii) mandates community service for refusal offenses; it does not provide discretion to substitute donations.

The Appeals Panel has previously reaffirmed this limitation. In *State v. Saye Zulu*, C.A. No. T24-0004 (R.I. Traf. Trib. App., Aug. 6, 2024), this Panel stressed that its review is confined to statutory authority and that it may only reverse or modify decisions where the trial magistrate's

ruling was "in violation of constitutional or statutory provisions" or "in excess of the statutory authority of the judge or magistrate." *Id.* at 3–4. The Panel further emphasized that it "lacks the authority to … substitute its judgment for that of the hearing judge [or magistrate]" and is bound by the statutory framework enacted by the General Assembly. *Id.* (*citing Link v. State*, 633 A.2d 1345, 1348 (R.I. 1993)).

Thus, while Appellant urges this Tribunal to exercise equitable discretion to permit a charitable contribution in lieu of service, this Panel has no such power. Any change to the statutory penalty must come from the Legislature, not from judicial reinterpretation.

C. Policy Concerns and Practical Considerations

This Panel also agrees with the State that allowing monetary donations in place of service would raise significant concerns of fairness and judicial economy. If motorists convicted of refusal violations could merely offer donations in unspecified amounts, as Appellant proposed here without identifying a sum, it would undermine the uniformity of sentencing and create inconsistent outcomes across cases.

While Appellant may contend that physical limitations prevent him from completing certain tasks, the record reflects that numerous community service opportunities exist that do not require strenuous physical activity. For example, clerical assistance, customer service, and light volunteer work are available to defendants who cannot perform manual labor. Thus, Appellant's argument that community service is inherently beyond his physical capabilities is unavailing. Appellant remains free to make a private donation of his own accord, but such a donation cannot substitute for the statutory penalty.

IV

Conclusion

This Panel has reviewed the entire record in this matter. Having done so, the members of this Panel are satisfied that the Trial Magistrate's decision was neither clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record nor arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. The substantial rights of the Appellant have not been prejudiced. While the Court recognizes Appellant's desire to serve the community in a different manner, the Legislature has spoken clearly. Accordingly, Appellant's appeal is denied.

ENTERED:

_____/S/_____
Magistrate Norman Landroche, Jr. (Chair)

_____/S/_____
Chief Magistrate Domenic A. DiSandro, III

_____/S/_____
Magistrate Mark Welch

DATE: September 2, 2025