

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
233 RICHMOND STREET
PROVIDENCE, RHODE ISLAND 02903

IN THE MATTER OF:

KAIA LEE POLOFSKY,

RESPONDENT.

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DBR No. 08-L-0271

CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and Kaia Lee Polofsky (“Respondent”) hereby agree that:

1. On or about October 15, 2008, the Department received a complete application for a real estate salesperson license (“License Application”) from Respondent.

2. Respondent executed a waiver allowing the Department to obtain any criminal record or other disposition from the Bureau of Criminal Identification (“BCI”) of the Department of Attorney General as part of the application process.

3. The BCI record indicated that Respondent pled *nolo contendere* and received a sentence of one hundred (100) hours of community service and one year of probation for possession of marijuana (1st offense).

5. Respondent provided an explanation for the marijuana charge. She states that she was nineteen (19) years old at the time and was young and immature. Respondent expressed regret for the charge and takes full responsibility for her actions. She is currently a banker with BankRI and was with Citizens Bank before that.

6. Based on Respondent's prior criminal record, the Department had cause to question whether Respondent possessed the requisite qualifications for licensure and whether the License Application should be denied pursuant to R.I. Gen. Laws § 5-20.5-14 but satisfied with rehabilitation.

7. In an effort to effect a timely and amicable resolution of the issue raised in this Consent Agreement, the Department hereby issues Respondent a conditional real estate salesperson license (subject to compliance with all other statutory and regulatory requirements) until April 30, 2010 pursuant to the following terms:

a. Respondent shall immediately report to the Department any charge, allegation, complaint or other action that involves any criminal, civil or other legal matter; and

b. Respondent's failure to report such action as described in paragraph 7(a), above, shall be grounds for the suspension or revocation of her license or some other administrative penalty to be adjudicated at an administrative hearing pursuant to R.I. Gen. Laws § 42-35-1, *et seq.*


8. By agreeing to enter into this Consent Agreement, Respondent voluntarily waives her right to the hearing process for purposes of this license application, voluntarily waives her right to appeal this Consent Agreement to Superior Court, admits that the allegations in Paragraphs 1 through 5 are true, and agrees to take all necessary action as delineated in this Consent Agreement in order to obtain and maintain the license in good-standing.

9. If Respondent fails to abide by any of the requirements of this Consent Agreement, the Department will initiate further administrative proceedings to impose


penalties against Respondent including, but not limited to: (i) revocation and/or suspension, and (ii) such additional administrative penalties that the Department deems appropriate. In accordance with R.I. Gen. Laws § 42-35-9, Respondent shall be provided with notice and an opportunity for a hearing if the Department initiates the administrative hearing process.

10. Upon successful compliance with the terms of this Consent Agreement, Respondent will be issued an unconditional license on May 1, 2010.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:



Michael P. Jolin, Esq.
Deputy Chief of Legal Services
Department of Business Regulation



Kaia/Lee Polofsky, Respondent
650 East Greenwich Avenue, #7404
West Warwick, Rhode Island 02893

Date: 12/2/08

Date: 11/8/08

THIS CONSENT AGREEMENT CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW OF SAID COURT. HOWEVER, RESPONDENT UNDERSTANDS THAT BY WAIVING HER RIGHT TO A COMPLETE HEARING AND AGREEING TO THIS CONSENT ORDER, THE ABOVE RIGHTS ARE WAIVED AND IF ANY TERMS OF THIS CONSENT ORDER ARE VIOLATED, REFERRAL MAY BE MADE TO THE RHODE ISLAND ATTORNEY GENERAL FOR FURTHER PROSECUTION.