

08-17

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

IN THE MATTER OF: :
 :
 LOUISE GAGLIANO, : DBR NO.: 08-L-0095
 :
RESPONDENT. :

CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and Louise Gagliano (“Respondent”) hereby agree that:

1. Respondent was licensed as a real estate salesperson pursuant to R.I. Gen. Laws § 5-20.5-1 *et seq.* from 1984 until April 30, 2006.
2. Upon information and belief, during that twenty-two (22) year period of time Respondent’s real estate salesperson license was timely renewed pursuant to R.I. Gen. Laws §§ 5-20.5-6 and 5-20.5-11 (and other similar relevant statutes that were in effect during the relevant period).
3. Respondent is required to know and comply with all relevant statutes and regulations as a condition of licensure as stated in R.I. Gen. Laws § 5-20.5-4.
4. On or about May 8, 2008, the Department was contacted by Respondent and informed that Respondent had been engaging in unlicensed activity due to a failure to timely renew her license in 2006.

5. Respondent asserted to the Department that her failure to renew her license application was allegedly caused by her failure to receive a renewal notice informing her license was going to expire and that a renewal fee was due in April 2006.
6. On or about April 29, 2008, Respondent applied for a real estate salesperson license.
7. On or about May 13, 2008, the Department received notice that Respondent had filed a Miscellaneous Petition, Motion for Emergency Equitable Relief and an Affidavit in Support of the Emergency Motion in the Rhode Island Superior Court seeking to obtain a Declaratory Judgment asserting claims of violation of due process based on the alleged failure of the Department to give her notice of her license expiration, and immediate reinstatement of the real estate salesperson license.
8. Upon information and belief, the first time that Respondent attempted to renew her real estate salesperson license since 2004 was in 2008 when she attempted to renew her license on-line on April 29, 2008 (Respondent's Motion for Emergency Equitable Relief, paragraphs 7 and 8).
9. The Respondent admits that:
 - A. It is the burden of the licensee to maintain licensing pursuant to R.I. Gen. Laws § 5-20.5-1 *et seq.*
 - B. She engaged in unlicensed activity in violation of R.I. Gen. Laws §§ 5-20.5-17 and 28;

- C. The unlicensed activity conducted by her was unintentional, without knowledge that her license was expired, and upon finding out that her License was expired, she immediately contacted the Department.
 - D. She has not engaged in any activity requiring licensure pursuant to R.I. Gen. Laws § 5-20.5-1 *et seq.* since discovering her License had expired.
10. It is the Department's position that, if this matter were adjudicated, the relevant facts and documents would support that Respondent committed violations of R.I. Gen. Laws §§ 5-20.5-17 and 28 and that said violations are sufficient cause to deny Respondent's license application.
11. The Department rejects the assertions made in Respondent's Superior Court action referenced in paragraph 6 and preserves its objections thereto.
12. Respondent shall be issued a probationary license in accordance with the conditions set forth below. If Respondent fails to comply with any of the conditions in paragraph 13, the Respondent's probationary license shall be immediately suspended, without further right to hearing or adjudicate the basis for the suspension.
13. Respondents must:
- A. Take the State portion of the real estate salesperson license examination within two (2) weeks of the issuance of the probationary license. If the Respondent does not pass the State

portion of the examination, the probationary license shall be suspended until she passes the State portion of the examination;

- B. Take the National portion of the real estate salesperson examination within sixty (60) days;
 - C. Pay an administrative penalty of one thousand dollars (\$1,000) within ninety (90) days; and,
 - D. Provide an itemized list of all transactions since April 30, 2006.
14. Respondent's probationary status shall cease upon successful completion of the real estate salesperson examination and Respondent will be issued a license subject to payment of administrative penalty.
15. Respondent shall be subject to all continuing education requirements for the maintenance of her license and shall comply with all continuing education requirements after the issuance of her probationary license.
16. Respondent voluntarily enters into this Consent Agreement, voluntarily waives her right to complete the hearing process, voluntarily waives her right to appeal to Superior Court, and is willing to address the violations and take all necessary action as delineated in this Consent Agreement to maintain her license in good-standing.
17. If Respondent fails to abide by any of the requirements of this Consent Agreement or commits any violation of R.I. Gen. Laws § 5-20.5-1 *et seq.*, the Department will initiate further administrative proceedings to impose penalties against Respondent including, but not limited to: i) suspension, ii) revocation, and/or iii) such additional administrative penalties as

deemed appropriate by the Department. Respondent shall be provided with notice and opportunity for hearing should the Department decide to take such further action.

18. This Consent Agreement resolves issues before the Department pertaining to the expiration of Respondent's License in April 2006, unlicensed transactions, and all facts of which the Department has notice as of June 6, 2008.

19. Respondent agrees to dismiss, with prejudice, any and all civil actions filed against the Department in Superior Court pertaining to the issues addressed in this Consent Agreement.

Department of Business Regulation,

Respondent,

By: Maria D'Alessandro
Maria D'Alessandro, Esq.
Associate Director, Commercial Licensing
Dept. of Business Regulation
233 Richmond Street
Providence, RI 02903-4230
(401) 222-5400

By: James Moretti
James Moretti (#5092)
Resnick & Caffrey
300 Centerville Road, #300W
Warwick, RI 02886
(401) 738-4500

Date: 6/9/08

Date: 6-9-08

Louise Gagliano 6.9.08
Louise Gagliano
10 Acacia Court
Coventry, RI 02816
(401) 480-3726

CERTIFICATION

I hereby certify that on this 10th day of June, 2008 a copy of this Consent Agreement was sent by first class mail postage prepaid, email, and certified mail to:

James Moretti, Esq.
Resnick & Caffrey
300 Centerville Road, #300W
Warwick, RI 02886

and by hand-delivery to Valerie Voccio, Real Estate Administrator, Commercial Licensing, Department of Business Regulation, 233 Richmond Street, Providence, Rhode Island 02903.

Valerie Voccio