



d. Complainant delivered a \$31,250.00 deposit for the Condo to Respondent in the form of a check on December 4, 2007.

e. Prior to closing, Complainant alleges that Respondent misrepresented the number of days the Condo was on the market.

f. Complainant also alleges that Respondent misrepresented and/or failed to investigate (i) whether a restaurant was a member of the condo association; (ii) the true nature of the two parking spaces for the Condo; and (iii) the correct monthly condominium assessment.

g. As a result of the alleged misrepresentations, Complainant cancelled the purchase and sale agreement on January 15, 2008 and requested the return of her deposit from Respondent.

h. Complainant picked up the check representing the return of her \$31,250.00 deposit on January 31, 2008 and presented it for payment that same day at Bank of America. The bank refused to honor the check because it was post-dated to February 1, 2008 and because of insufficient funds in Respondent's account.

i. Complainant returned to the bank on Friday, February 1, 2008 and Monday, February 4, 2008 and received confirmation on both days that there were still insufficient funds in Respondent's account to honor the check.

j. On February 4, 2008, Complainant sent a certified letter to Respondent demanding the return of her \$31,250.00 deposit.

k. On February 7, 2008, Complainant received a certified bank check from Respondent; it was deposited and cleared the following day.

l. Complainant provided the Department with the Release of Purchase Agreement and Disbursement of Escrow, executed by all parties.

m. Complainant provided the Department with a notice from her bank, dated February 1, 2008, that the \$31,250.00 check deposited January 31, 2008 was returned unpaid due to insufficient funds.

n. Complainant provided the Department with a copy of Respondent's check made payable to Complainant in the amount of \$31,250.00, stamped with "NSF" and a note stating, "Return Reason - Not Sufficient Funds."

3. R.I. Gen. Laws § 5-20.5-14(a)(15) authorizes the Department to suspend or revoke a license where a licensee violates any rule or regulation promulgated by the Rhode Island Real Estate Commission or the Department.

4. R.I. Gen. Laws § 5-20.5-14(a)(20) authorizes the Department to suspend or revoke a license where a licensee demonstrates bad faith, dishonesty, untrustworthiness, or incompetency.

5. Rule 6 of *Commercial Licensing Regulation 11 - Real Estate Brokers and Salespersons* prohibits the commingling of funds held for the benefit of others.

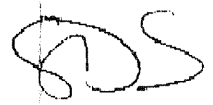
6. R.I. Gen. Laws § 5-20.5-26(c) provides that any licensee to whom any money or other property is entrusted as escrow funds, who intentionally appropriates to the licensee's own use that money or property, or transfers the funds from an escrow account to a company or personal account prior to a closing, is guilty of unlawful appropriation.

7. Based on the foregoing, the Department has reason to believe that Respondent violated R.I. Gen. Laws §§ 5-20.5-14(a)(15) and (20), 5-20.5-26(c), and Rule 6 of *Commercial Licensing Regulation 11 - Real Estate Brokers and Salespersons*.



8. In an effort to resolve the above-referenced matters and effect a timely resolution of the issues raised in this Consent Agreement, Respondent understands and agrees to the following:

- a. Respondent admits to the violations set forth in Paragraph 8.
- b. Respondent's real estate brokers license is suspended for a period of four (4) months, beginning on the date of the Emergency Order and ending on July 2, 2008, and will cease and desist from any activity requiring licensure pursuant the Rhode Island General Laws pertaining to real estate and *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*.
- c. Respondent agrees to surrender her real estate brokers license on or before July 2, 2008.
- d. The Department agrees to issue Respondent a real estate salespersons license on July 3, 2008, but may only engage in the business of real estate as a salesperson under a principal broker approved by the Department.
- e. Respondent agrees and understands that, as a real estate salesperson licensee, she may only engage in the business of real estate under the supervision of a principal broker, and is prohibited from referring to herself as a licensed real estate broker, including but not limited to such reference in advertising or business cards.
- f. Upon the expiration of one (1) year from the date of the issuance of the Emergency Order unless the Department, upon investigation, finds violations of either the Rhode Island General Laws pertaining to real estate, *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*, or

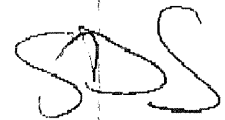


this Consent Agreement the Respondent will be reissued her real estate broker license, number B11562.

g. Respondent agrees to provide Stephen M. Litwin, Esq., with complete monthly bank statements for her business/operating checking account and her escrow account for a period of three (3) years upon the reinstatement of Respondent's real estate brokers license.

h. Respondent authorizes Mr. Litwin to submit quarterly summaries of those accounts to the Department during this three (3) year period.

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



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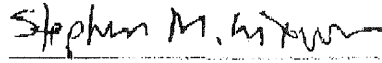
THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation  
By its Legal Counsel:

Sharon Steele, Respondent  
By her Counsel:



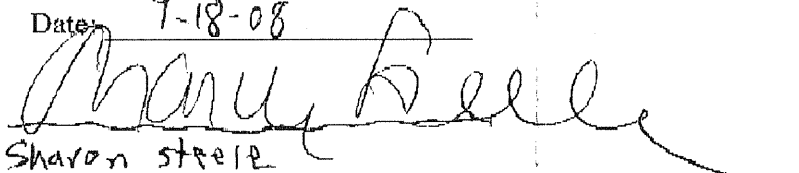
Michael P. Jolin  
Department of Business Regulation



Stephen M. Litwin, Esq.  
Attorney at Law

Date: 7-18-08

Date: 7-18-08

  
Sharon Steele

**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 AGREEMENT, THE ABOVE RIGHTS ARE WAIVED AND IF ANY TERMS OF THIS CONSENT AGREEMENT ARE VIOLATED, REFERRAL MAY BE MADE TO THE RHODE ISLAND ATTORNEY GENERAL FOR FURTHER PROSECUTION.**