

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDG. 68-1
1511 PONTIAC AVENUE
CRANSTON, RI 02920**

IN THE MATTER OF	:	
	:	
PATRICIA J. SIMPSON	:	DBR No. 09-L-0166
	:	
RESPONDENT.	:	

CONSENT AGREEMENT

It is hereby agreed between the Department of Business Regulation (“Department”) and Patricia J. Simpson (“Respondent”) as follows:

1. Respondent was at all times relevant hereto, a domiciliary and resident of the State of New Hampshire.
2. The Respondent filed a Non-Resident Reciprocal Real Estate Broker License Application and supporting documents with the Department on or about May 11, 2009.
3. The Department initially denied the Respondent’s Non-Resident application with notification to the Respondent that Rhode Island has “no reciprocity with New Hampshire”.
4. On May 27, 2009, the Respondent again contacted the Department after being provided with incorrect information that she would be entitled to Non-Resident licensure based on her holding a Broker’s License in the Commonwealth of Massachusetts.
5. The Respondent resubmitted her Non-Resident Application to the Commercial Licensing Division of the Department, and broker’s license No. B16814 was subsequently issued to the Respondent on June 8, 2009, in error.



6. Upon subsequent review of the Respondent's application and its supporting documentation, the Department determined that the issuance of that license was an oversight by the Commercial Licensing Division, and that Respondent was not entitled to a broker's License based on reciprocity, as she is a resident of New Hampshire.

7. R.I. Gen. Laws § 5-20.5-4(a) provides that the director shall require any applicant for a real estate broker's license to submit to and pass a written examination to show the applicant's knowledge of the state statutes and rules and regulations relating to real estate, and further, that an applicant shall not be required to take the uniform portion of the Rhode Island real estate examination if the applicant possesses an existing valid real estate license from a state which provides for reciprocal waiver of the real estate examination in that state for holders of a valid Rhode Island license.

8. The State of Rhode Island does not currently have a Reciprocal Agreement with the State of New Hampshire, and upon information and belief, the State of New Hampshire does not provide for reciprocal waiver of the real estate examination in that state for holders of a Rhode Island license.

9. R.I. Gen. Laws § 5-20.5-4(b) provides that an applicant for a broker's license must submit proof of having one-year full time experience as a salesperson immediately prior to the date of the application or 90 hours of classroom study in subjects related to real estate from an accredited college, university, or proprietary school licensed by the State of Rhode Island.

10. R.I. Gen. Laws § 5-20.5-10(a) and (2) authorizes the director of the Department to recognize the license issued to a real estate broker by another state as satisfactorily qualifying him or her for a license as a broker in this state *provided that the other state permits licensees to be issued to licensed brokers in this state, without examination.* (emphasis added)

11. Section 7 (B) of Commercial Licensing Regulation 11 – *Real Estate Brokers and Salespersons* requires that applicants for a real estate broker’s license must submit satisfactory evidence of completion of a minimum of ninety (90) classroom hours, unless exempted pursuant to R.I. Gen Laws §5-20.5-4(b).

12. R.I. Gen. Laws § 5-20.5-12(a)(2) provides that the Department shall establish any reasonable rules and regulations that are appropriate to insure that education and practice requirements of license holders meet the public interest.

13. R.I. Gen. Laws §5-20.5-6(a) authorizes that any license issued or renewed may be suspended or revoked by the director for cause, prior to the expiration date.

14. The Department has sufficient cause to suspend or revoke Respondent’s license pursuant to the provisions of R.I. Gen. Laws § 5-20.5-6(a).

15. In consideration of the mitigating circumstances in this matter, in that Respondent’s license was issued in error by the Department, in consideration of the public interest, and in an effort to effect a timely and amicable resolution of the issues raised in this Consent Agreement without an administrative hearing, Respondent and the Department agree as follows:

A. The Respondent shall be allowed to maintain her current Rhode Island broker’s license in good standing, on a provisional basis, pending the completion of the requirements set forth below.

1. Respondent shall take and pass the Rhode Island real estate broker’s examination within three (3) months from the date of execution of this Agreement.


B. Upon completion of the requirements set forth in Paragraph A(1) herein within the specified time frames, the Respondent’s license shall be recognized as a valid Rhode Island broker’s license, and shall no longer be considered provisional in nature.

16. The Respondent hereby acknowledges and agrees that failure to abide by any of the requirements of this Consent Agreement within the specified time frames shall be grounds for the Department to initiate administrative proceedings to revoke and/or suspend the broker's license previously issued to her.

17. By agreeing to resolve this matter through the execution of this Consent Agreement, the Respondent voluntarily waives her right to the administrative hearing process, voluntarily waives her right to appeal any finding therefrom to the Superior Court, and agrees to take all necessary action as delineated in this Consent Agreement to maintain her license in good standing.

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

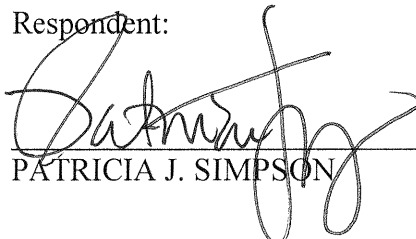
Department of Business Regulation
By:



ELLEN R. BALASCO, ESQ.
Deputy Chief of Legal Services

Date: 10/26/09

Respondent:



PATRICIA J. SIMPSON

Date: 10-19-09