

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDGS. 68-69
CRANSTON, RHODE ISLAND 02920

RECEIVED

SEP 15 2008

Director's Office
Business Regulation
Office of Legal Counsel

IN THE MATTER OF:

TIMOTHY P. DWYER,

RESPONDENT.

DBR No. 08-L-0164

CONSENT AGREEMENT

The Department of Business Regulation ("Department") and Timothy P. Dwyer ("Respondent") hereby agree that:

1. On or about July 24, 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 showed that Respondent was arrested on December 5, 2006 for disorderly conduct (domestic), for which he pled *nolo contendere* and received six (6) months probation and an order for counseling.

4. The BCI record also showed that Respondent was arrested on April 23, 2004 for simple assault (domestic) and vandalism (domestic), for which he pled *nolo contendere* and received one (1) year of probation.

5. Respondent provided an explanation with his application for his criminal history record. In it, he states that he made mistakes, expressed remorse, and took responsibility for his past conduct. Respondent also represents that he learned valuable lessons from his misconduct and has taken steps to improve his life. He explained that he has successfully completed the counseling program as well.

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.

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 acknowledges and understands that a failure to comply with all terms and requirements for licensure under R.I. Gen. Laws §§ 5-20.5-1, *et seq.*, and 5-20.6-1, *et seq.*, shall be grounds for the suspension or revocation of his license or some other administrative penalty to be adjudicated at an administrative hearing pursuant to R.I. Gen. Laws § 42-35-1, *et seq.*;

b. Respondent acknowledges and agrees that a failure to comply with all terms and requirements of this Consent Agreement shall be grounds for the ~~suspension or revocation of his license or some other administrative penalty to be~~ adjudicated at an administrative hearing pursuant to R.I. Gen. Laws § 42-35-1, *et seq.*;

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

d. Respondent acknowledges and understands that his failure to report such action as described in paragraph 7(c), above, shall be grounds for the suspension or revocation of his license or some other administrative penalty to be adjudicated at an administrative hearing pursuant to R.I. Gen. Laws § 42-35-1, *et seq.*; and

e. Respondent understands and acknowledges that engaging in or being a party to any criminal conduct whatsoever shall be grounds for the suspension or revocation of his 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 his right to the hearing process for purposes of this license application, voluntarily waives his 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. The Department reserves the right to extend the conditional license period ~~beyond April 30, 2010 until such time as the Department is satisfied that Respondent is~~ competent and trustworthy for unconditional licensure.

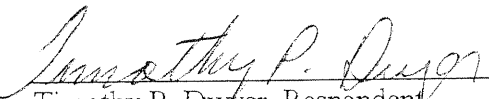
10. If Respondent fails to abide by any of the requirements of this Consent Agreement, the Department will initiate further administrative proceedings to impose penalties against Respondent including, but not limited to: (i) revocation and/or suspension, and (ii) such additional administrative penalties 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.

11. 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



Timothy P. Dwyer, Respondent
27 Lawton Brook Lane
Portsmouth, Rhode Island 02871

Date: 9-15-08

Date: 08/10/2008

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 HIS 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.