

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

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IN THE MATTER OF:

ETHELYN L. TATREAU,

RESPONDENT.

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DBR No.: 08-L-0277

**ORDER OF REVOCATION**

Pursuant to R.I. Gen. Laws §§ 5-20.5-1, *et seq.*, 42-14-16, and 42-35-14, the Director (“Director”) of the Rhode Island Department of Business Regulation (“Department”) hereby issues this Order of Revocation (“Order”) revoking the real estate broker’s license of Ethelyn L. Tatreau (“Respondent”).

The Director issues this Order for the following reasons:

1. Respondent holds a real estate broker’s license, License No. B15197, issued May 1, 2006, pursuant to the terms and provisions of R.I. Gen. Laws § 5-20.5-1, *et seq.*, and *Commercial Licensing Regulation 11– Real Estate Brokers and Salespersons*.

2. R.I. Gen. Laws § 5-20.5-6(b) provides that the Department, after a due and proper hearing, may suspend, revoke, or refuse to renew any license upon proof that the license was obtained by fraud or misrepresentation or upon proof that the holder of the license has violated this statute or any rule or regulation issued pursuant to this statute.

3. R.I. Gen. Laws § 5-20.5-14(a)(5) authorizes the Department to suspend or revoke a license where a licensee fails to deposit money or other customers' funds in an escrow account upon the execution of a purchase and sales agreement.

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 by failing to segregate promptly any monies received that are held for the benefit of others.

6. 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 commission or the Department.

7. R.I. Gen. Laws § 5-20.5-26(c) provides that it is unlawful for 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 the criminal offense of unlawful appropriation pursuant to R.I. Gen. Laws § 11-41-11.1.

8. On or about November 19, 2008, the Director issued Respondent an Emergency Order to Cease and Desist Accepting New Business, Notice of Intent to Revoke License, Impose Administrative Penalty, and Provide Notice of Opportunity for Hearing ("Emergency Order").

9. The facts set forth in the Emergency Order, attached as Exhibit A, are incorporated by reference in this Order of Revocation.

10. As detailed in the Emergency Order, the Director determined that Respondent's conduct demonstrated a lack of trustworthiness, competence, and diligence that imperiled the public welfare and required that her license be summarily suspended pursuant to R.I. Gen. Laws § 42-35-14(c).

11. The Emergency Order provided that if Respondent failed to request a hearing within twenty (20) days of the date of the Emergency Order, no hearing would be held and the Director would revoke Respondent's license.

12. Pursuant to R.I. Gen. Laws § 5-20.5-15(a)(4), all notices may be served by certified mail to the last known business address of the addressee.

13. The Emergency Order was sent by first class mail, postage prepaid, and certified mail, return receipt requested, to Respondent's address on record with the Department.

13. The Department received the green return receipt card, attached as Exhibit B, confirming delivery of the Emergency Order on December 10, 2008.

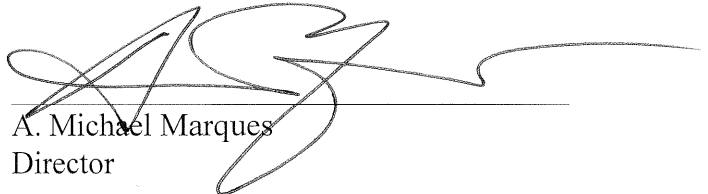
14. The Department used Respondent's most recent business address on record with the Department for notice purposes, and as such, the Emergency Order was properly served on Respondent.

15. Respondent failed to request a hearing within twenty (20) days as required in the Emergency Order and R.I. Gen. Laws § 5-20.5-15(a)(1).

THEREFORE, due to Respondent's violations as alleged above, her failure to respond to the Emergency Order and the allegations contained therein, and the failure to request a hearing, the Director finds Respondent in violation of a directive of the Department and R.I. Gen. Laws §§ 5-20.5-6(b), 5-20.5-14(a)(5), 5-20.5-14(a)(15), 5-20.5-

14(a)(20), 5-20.5-26(c), and Rule 6 of *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*.

Accordingly, it is hereby ORDERED that Respondent's real estate broker license is revoked pursuant to R.I. Gen. Laws § 42-35-14.



A. Michael Marques  
Director

Dated: 01-05-2009

Entered as an Administrative Order No. 09- 002 on this 5<sup>th</sup> day of January, 2009.

**THIS ORDER OF REVOCATION CONSTITUTES A FINAL DECISION 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 AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS ORDER. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW WITH THE COURT. RESPONDENT'S LICENSE SHALL BE REVOKED EFFECTIVE THE DATE OF THIS ORDER. NOTIFICATION OF THE REVOCATION MAY BE PUBLISHED IN THE PROVIDENCE JOURNAL.**

**CERTIFICATION**

I hereby certify on this 5<sup>th</sup> day of January, 2009, that a copy of the within Order of Revocation was mailed by certified and first class mail, postage prepaid, to:

Ethelyn L. Tatreau  
Pro Newport Real Estate  
28 Memorial Boulevard West  
Newport, Rhode Island 02840

and by first class mail, postage prepaid, to:

David A. Quiroa  
9 Ledyard Street  
Newport, Rhode Island 02840

Albert P. Ginchereau, Jr.  
5 Taber Street  
Newport, Rhode Island 02840

Nicolina M. Kelly  
277 King Charles Drive  
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Newport, Rhode Island 02840

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City of Newport Police Department  
120 Broadway  
Newport, Rhode Island 02840

Kevin Hagan, Esq.  
Special Assistant Attorney General  
Department of Attorney General  
Florence Murray Judicial Complex  
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Newport, Rhode Island 02840

And by electronic mail to the following personnel of the Department of Business Regulation, 1511 Pontiac Ave, Cranston, Rhode Island 02920:

Maria D'Alessandro, Esq.  
Associate Director

Michael P. Jolin, Esq.  
Deputy Chief of Legal Services

William J. DeLuca  
Acting Administrator – Real Estate

Thomas Broderick  
Chief Public Protection Inspector

Leslie Pratt  
Licensing Aide

Elaine Bouthillier  
Licensing Aide

  
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