

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF COMMERCIAL LICENSING
1511 PONTIAC AVENUE, BUILDING 69-2
CRANSTON, RI 02920**

<p>IN THE MATTER OF:</p> <p>JACQUELINE ALGER,</p> <p>RESPONDENT.</p>	<p>DBR No. 18CN001</p> <p>DBR No. 18CN002</p>
---	---

CONSENT AGREEMENT

The Department of Business Regulation (the "Department") enters into this Consent Agreement with Jacqueline Alger (the "Respondent") to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondent that:

1. Respondent holds Rhode Island Constable License # CNS.0006210 ("License"), which was first issued by the District Court in 2010, and which expires on July 31, 2019.
2. On January 17, 2018, the Department received a Complaint ("First Complaint") alleging that the Respondent contacted the First Complainant by phone on January 8, 2018 on behalf of a previously evicted occupant ("Evicted Occupant"), regarding the execution of a Temporary Restraining Order, dated December 11, 2017 ("12/11/17 TRO"). The First Complainant alleged that Respondent demanded access to the First Complainant's property ("Property"), and when the First Complainant denied her access the Respondent yelled and threatened to "break the locks" on the Property.
3. The 12/11/17 TRO, signed by District Court Judge Terrence Houlihan, did not authorize any forcible means of entry into the Property by the Evicted Occupant.
4. On January 17, 2018, the First Complaint was sent via regular and electronic mail to the Respondent for her response ("First Complaint Response"), which the Department received on January 22, 2018. The Respondent denied that she yelled at the First Complainant on January 8th, but admitted that she "asked [the First Complainant] to meet [her] at the apartment to avoid any property damage."

5. On January 23, 2018, the Department received an additional Complaint ("Second Complaint") alleging that the Respondent contacted the Second Complainant by phone on January 8, 2018, represented herself as a Constable for the Evicted Occupant, and demanded access to the Property pursuant to the 12/11/17 TRO. The Second Complaint alleged that Respondent threatened that if the Second Complainant did not give her access to the Property she would "break into the apartment and change the locks." The Second Complainant alleged that when he reported to the Respondent that he had an agreement with the Evicted Occupant's attorney to stay enforcement of the 12/11/17 TRO until January 12, 2018, Respondent incorrectly represented that the Evicted Occupant's attorney had withdrawn and continued to insist "that she was getting in the apartment." The Second Complaint also alleged that when Respondent was informed that the police would be called, the Respondent said, "Game on," and that she would kick in the door.
6. On January 23, 2018, the Second Complaint was sent via regular and electronic mail to the Respondent. Her response ("Second Complaint Response") was received by the Department, and was dated February 2, 2018. The Respondent denied the Second Complaint's allegations that she threatened to break into the Property, change the locks or kick in the door on January 8th.
7. The Respondent did not force entry into the Property at any time.

Applicable Law

8. Pursuant to R.I. Gen. Laws § 9-5-10.1(a), "A person at least twenty-one (21) years of age who complies with the statute and the requirements set forth in any regulations promulgated by the department of business regulation may file an application with the department requesting that the applicant be certified as a constable. Once issued by the department, such certification shall be effective for a period of two (2) years or until such approval is withdrawn by the department."
9. According to R.I. Gen. Laws § 9-5-10.3(b), "Certified constables shall have no power or authority other than to serve process and execute writs as provided by this section."
10. Pursuant to R.I. Gen. Laws § 9-5-10.5(a), "Upon the receipt of a written complaint, request of the board...the department shall ascertain the facts and, if warranted, hold a hearing for the reprimand, suspension, or revocation of a certification. The director...has the power to...suspend or revoke a certification...for any of the following reasons...(4)(i) Inappropriate conduct that fails to promote public confidence, including failure to maintain impartiality, equity, and fairness in the conduct of his or her duties; (ii) Neglect, misfeasance, or malfeasance of his or her duties; (iii) Failure to adhere to court policies, rules, procedures, or regulations; (iv) Failure to maintain the highest standards of personal integrity, honesty, and truthfulness, including misrepresentation, bad faith, dishonesty, incompetence, or an arrest or conviction of a crime."

Conditions

11. The Respondent has held her License for a period of eight (8) years, has not had any disciplinary complaints or sanctions during that time, and has cooperated with the investigation into her conduct on the aforesaid dates.
12. In consideration for the mitigating circumstances outlined above, the parties have agreed to an amicable resolution of the matter without an administrative hearing and the attendant time and costs, and as such the Respondent admits and agrees that:
 - a. When speaking to the First and Second Complainants on January 8, 2018, the Respondent improperly implied that the Property could be damaged gaining entry if the complainants didn't agree to meet her and allow entry;
 - b. As a result of the admission contained in paragraph 12(a), the Respondent's conduct described therein violated the prohibitions contained in R.I. Gen. Laws § 9-5-10.5(a)(4)(i), (ii) and (iv);
 - c. The Respondent's License will therefore be suspended for a period of fifteen (15) days from the date of the *Eighth of June, 2018*. During this period of suspension, the Respondent will not engage in constable activities. Upon resuming constable activities after her period of suspension has expired, the Respondent agrees to adhere to and comply with the obligations of R.I. Gen. Laws § 9-5-10.3; and
 - d. It is understood that the Respondent will not surrender her license or license number, but agrees to the voluntary suspension of all Constable activities for the period set forth herein.
13. The Department and Respondent agree that this Consent Agreement and its terms represent the final determination of this matter.

Legal Effects of Consent Agreement

14. *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
15. *Enforcement.* If the Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein, the Respondent will be in violation hereunder and the Department shall be entitled to immediately to take enforcement or other action in accordance with applicable law.

16. *Compliance; Laws.* Compliance with the terms of this Consent Agreement does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.
17. *Notice to the Court.* In accordance with R.I. Gen. Laws § 9-5-10.5(a)(5), upon issuance, a copy of this Consent Agreement will be forwarded to the Chief Judge of the Rhode Island District Court.

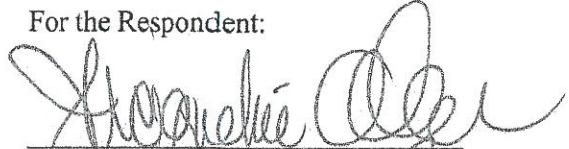
[SPACE INTENTIONALLY LEFT BLANK]

For the Division:


Signature
Date: 6/6/18

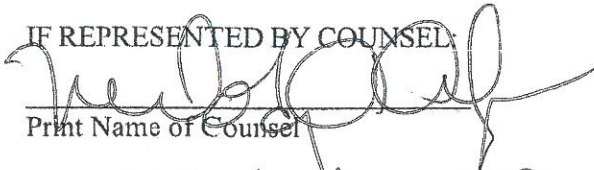
Donna L. Costantino, MBA
Associate Director
Division of Commercial Licensing

For the Respondent:


Signature
Date: 6/5/18

Jacqueline Alger

IF REPRESENTED BY COUNSEL


Print Name of Counsel

MELODY A. ALGER