



(F) In any real estate transaction, a licensee must disclose that he or she is licensed as a real estate broker or salesperson, even if no commission is at issue, when he or she is a party to the transaction as the following:

- (1) A buyer (regardless of the percentage of ownership at issue);
- (2) A seller (regardless of the percentage of the ownership at issue);
- (3) An owner of a business entity that is a buyer or seller; or
- (4) A representative of a family member, which includes any person who is related to the licensee, whether by blood, marriage or adoption ( ).

(G) In order to take a commission, a licensee shall, at the first point of personal contact, disclose in writing whether:

- (1) he or she has an ownership interest in the property being sold (regardless of the percentage or type of ownership);
- (2) he or she is or will be purchasing any portion of the property being sold (regardless of the percentage of potential ownership);
- (3) he or she has a business interest (ownership or otherwise) in a business entity that is a buyer or seller; or
- (4) is acting on behalf of a family member which is defined in Section 21(F).

4. Pursuant to R.I. Gen Laws § 5-20.5-14(b), the director of the Department is authorized to levy an administrative penalty not exceeding one thousand dollars (\$1,000) for any violation under this section or the rules and regulations of the department of business regulation, including the violation of any rule or regulation promulgated by the department.

5. Accordingly, the Department has sufficient cause to assess an administrative penalty pursuant to R.I. Gen. Laws § 5-20.5-14(b), which authorizes the Department to levy an administrative penalty not exceeding One Thousand (\$1,000) Dollars for each violation under this section or of any rules and regulations of the Department.

6. In making its determination, the Department has considered the following mitigating factors and their effect on the appropriateness of the sanctions imposed against the Respondent for the violation alleged.

- a. The Respondent has no prior complaints against him in his licensing history with the Department, and has not been the subject of any disciplinary actions by the Department prior to the filing of this complaint;
- b. There is no evidence that the Respondent's acts were made with the intention to defraud any party;
- c. The Respondent has made a good faith attempt to cooperate with the Department's inquiries.
- d. It is in the public interest to settle the matter without further administrative action considering the conservation of Department resources.

7. The Respondent does not admit to committing the violation alleged herein, but has been afforded the opportunity to review with counsel the case to be presented by the Department if a hearing of this matter were to be held, and is of the opinion that it would be contrary to his own best interest to proceed with the administrative hearing process at this time.

In an effort to effect a timely and amicable resolution of the issues raised in this Consent Agreement without an administrative hearing or a finding of a violation of R.I. Gen. Laws § 5-20.5-1, *et seq.* and to allow Respondent to maintain his license in good standing, Respondent agrees to pay to the Office of the Rhode Island General Treasurer the sum of TWO HUNDRED FIFTY DOLLARS (\$250.00) as an administrative penalty.

In consideration thereof, the Respondent voluntarily waives his right to the administrative hearing process and voluntarily waives his right to appeal this matter to the Rhode Island Superior Court.

**THE DEPARTMENT OF BUSINESS REGULATION AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:**

Department of Business Regulation  
By its Legal Counsel:

  
\_\_\_\_\_  
MARIA D'ALESSANDRO  
DEPUTY DIRECTOR

Date: 12/5/16

Respondent:

  
\_\_\_\_\_  
THOMAS CLAYTON  
RESPONDENT

Date: 12/2/16