

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

IN THE MATTER OF:

JAMES A. SILBERMAN

RESPONDENT.

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: DBR COMPLAINT # 2016-40
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CONSENT AGREEMENT

The Department of Business Regulation ("Department") and James A. Silberman ("Respondent") hereby agree that:

1. Respondent is a licensed Real Estate Salesperson, holding License Number RES.0026855 pursuant to R.I. Gen. Laws § 5-20.5-1 *et seq.*
2. On or about November 21, 2016, the Department received a complaint that the Respondent was engaged in unprofessional activity during the course of a real estate transaction in the State of Rhode Island.
3. Complainant reported that on numerous occasions Mr. Silberman represented to Complainant and their agent, that certain agreed upon items involving repairs were to be concluded before the closing. Several of these items were not done.
4. Complainant alleged that Mr. Silberman failed to have a certificate of working smoke and carbon monoxide detectors on the day of the closing, which resulted in the delay of the transaction until a certificate could be provided to the Closing Attorney. Mr. Silberman left the closing proceedings and returned several hours later with a certificate executed by a representative of the Warwick Fire Department, which stated that the smoke and carbon monoxide detectors were

in working order. The Closing Attorney reported that later in the day, after the closing, Complainant called and advised her that the while the detectors may have met code they only sounded an alarm outside the house but failed to sound inside. Complainant contacted the Warwick Fire Department in a separate inquiry regarding the issuing of the certificate.

5. The Department's position is that Respondent demonstrated bad faith and unprofessionalism in failing to adequately communicate with buyer's realtor, failing to secure a certificate of working smoke and carbon monoxide detectors in a timely manner before the closing, and failing to disclose items of repairs that were not going to be conducted by the seller in violation of State of Rhode Island in violation of R.I. Gen. Laws § 5-20.5-14(a)(20).

6. In an effort to effect a timely and amicable resolution of the concerns raised in this Consent Agreement, Respondent agrees to pay an administrative penalty in the amount of one thousand (\$1,000) dollars, payable to the "General Treasurer, State of Rhode Island," upon the execution of this document.

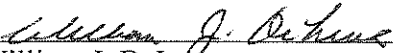
7. Respondent admits that the allegations in Paragraphs 1 through 5 are true, and agrees to take all necessary action to correct the errors in order to maintain his license in good-standing.

8. By agreeing to enter into 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 Acts, R.I. Gen. Laws § 42-35-1, *et seq.*

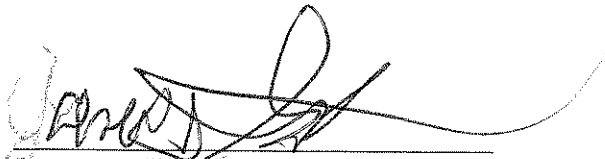
9. If Respondent fails to comply with any term or condition of this Consent Agreement, Respondent will be in violation hereunder and the Department shall be entitled to immediately to take enforcement or other action in accordance with applicable law, including, but

not limited to: revocation, suspension, and/or any 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.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:



William J. DeLuca
Real Estate Administrator
Department of Business Regulation



James A. Silberman
Respondent

Date: 6/27/17

Date: _____