

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
233 RICHMOND STREET
PROVIDENCE, RHODE ISLAND 02903**

IN THE MATTER OF	:	
	:	
CAROL GUIMOND and	:	DBR No. 07-L-0019
ANNE FANNING	:	
	:	
RESPONDENTS.	:	
	:	

CONSENT ORDER

It is hereby agreed between the Department of Business Regulation (“Department”) and Anne Fanning (“Respondent”) as follows:

1. Respondent is licensed as a salesperson to engage in the business of real estate.
2. On August 4, 2006, the Department received a complaint from Carlos Cordiero (“Complainant”) alleging violations of R.I. Gen. Laws § 5-20.5-1, *et seq.*, and *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*.
3. The complaint alleges that Respondent did not obtain authorization from Complainant, the owner of 48 Kearns Avenue, Tiverton, Rhode Island (the “subject property”), before lowering the sale price for the subject property on the Multi-State Listing Service (“MLS”).
4. At a meeting with the Department on March 7, 2007, Complainant provided probable cause that Respondent signed Complainant’s name on an MLS Active Status Request Form related to the sale of the subject property.

5. At a meeting with the Department on March 27, 2007, Respondent admitted to signing Complainant's name on the document described in Paragraph 4.

6. At the March 27, 2007 meeting, Respondent Fanning admitted that she never spoke directly to Complainant regarding lowering the sales price of the subject property. However, she avers that she received permission to lower the price from Complainant's significant other.

7. At the March 27, 2007 meeting, Respondent Fanning similarly avers that she relied on conversations with Complainant's significant other and failed to obtain Complainant's signature prior to reducing the sales price of the subject price on MLS as is required by MLS.

8. R.I. Gen. Laws § 5-20.5-14(b) authorizes the Department 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.

9. R.I. Gen. Laws § 5-20.5-14(a)(20) authorizes the Department to suspend or revoke a license where a licensee, in performing or attempting to perform any of the acts mentioned in this chapter, is found guilty of any conduct in a real estate transaction, which demonstrates bad faith, dishonesty, untrustworthiness, or incompetency.

10. Based on the foregoing, the Department has reason to believe that Respondent has violated R.I. Gen. Laws § 5-20.5-14(a)(20).

11. The Department has sufficient cause to suspend or revoke Respondent's license pursuant to R.I. Gen. Laws § 5-20.5-14(a) and assess an administrative penalty pursuant to R.I. Gen. Laws § 5-20.5-14(b).

12. In an effort to resolve the above-referenced violations and allow Respondent to maintain her license in good-standing, Respondent agrees to the following:

- A. Respondent shall pay an administrative penalty in the amount of \$500.00, payable to the Rhode Island General Treasurer, for signing Complainant's name on a document without his permission, as described in Paragraph 7, in violation of R.I. Gen. Laws § 5-20.5-14(a)(20).
- B. Respondent shall pay an administrative penalty in the amount of \$500.00, payable to the Rhode Island General Treasurer, for not obtaining Complainant's direct permission prior to lowering the sales price of the subject property, as described in Paragraphs 6 and 7, in violation of R.I. Gen. Laws § 5-20.5-14(20).
- C. Respondent shall be suspended from engaging in any licensed real estate activity for period of one (1) week, beginning on January 13, 2008 and ending on January 19, 2008.

13. Respondent voluntarily waives her right to the hearing process, voluntarily waives her right to appeal to Superior Court, and agrees to take all necessary action as delineated in this Consent Agreement in order to maintain her license in good-standing.

14. If Respondent does not comply with the terms of this Consent Order, the Department reserves its right to use such noncompliance as a basis to revoke Respondent's license following an administrative hearing pursuant to R.I. Gen. Laws § 5-20.5-14.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation
By its Legal Counsel:

Anne Fanning, Respondent
By:



Michael P. Jolin
Department of Business Regulation



Date: 1-17-08

Date: 1-14-08

Recommended by:



Neena Sinha Savage, Esq.
Hearing Officer

Date: 1/17/08

ORDER

I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT
 REJECT
 MODIFY



A. Michael Marques
Director

Date: 01-17-2008

THIS CONSENT ORDER 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 HER 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.