

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

IN THE MATTER OF :
 :
MARJORIE SHORTWAY, : DBR No. 10-L-0084
 :
RESPONDENT. :

 :

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 real estate salesperson license number S32429 held by Marjorie Shortway (Respondent).

The Director issues this Order for the following reasons:

1. Respondent has been licensed by the Department as a salesperson to engage in the business of real estate (License No. S32429).
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)(15) authorizes the Department to suspend or revoke a license if a licensee is found to have violated any rule or regulation promulgated by the commission or the department in the interest of the public and consistent with the provisions of this chapter.

4. R.I. Gen. Laws § 5-20.5-12(a)(2) provides that the Department shall establish any reasonable rules and regulations that are appropriate to insure that education and practice requirements of license holders meet the public interest.

5. Rule 30 of *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons* provides in pertinent part:

- (A) Prior to renewal of any license, all licensees not specifically exempted shall make a positive affirmation, either in writing or electronically, certifying under penalty of perjury to the Real Estate Section of the Department that the Licensee has attended and successfully completed during the preceding two (2) year period, twenty four (24) clock hours of real estate oriented educational sessions or courses of instruction, and
- (E) Completion of the requirements of this section will be a condition precedent to renewal of a License. A Licensee's misrepresentation or false certification as to course attendance and completion shall subject the Licensee to disciplinary action.

6. In lieu of submitting paper copies of certificates of completion, the Department relies on the good faith representation of each license holder that he or she has met the continuing education requirement.

7. Each license holder signs his or her renewal application under the pains and penalties of perjury and acknowledges that providing false information in the application is a basis for disciplinary action by the Department.

8. Pursuant to R.I. Gen. Laws § 5-20.5-12(a)(2) and Rule 30 of *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*, the Department instituted a random auditing program to ensure compliance with the continuing education requirements.

9. Respondent was randomly selected to participate in the audit and received a letter dated August 5, 2009 requesting that the Respondent provide proof of attendance and successful completion of all required continuing education courses, for the time period of May 1, 2006 through April 30, 2008.

10. In the August 5, 2009 letter, the Department required Respondent to provide paper copies of certificates of completion from approved continuing education courses by September 8, 2009.

11. Respondent failed to comply with the Department's August 5, 2009 letter.

12. A "Second Request" letter dated January 7, 2010 was received by the Respondent which restated the contents of the prior letter, and further advised the Respondent that licensees who failed to comply with the request would be subject to administrative enforcement action by the Department.

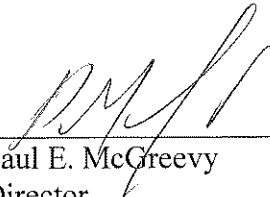
13. Respondent failed to comply with, or respond to the Department's January 7, 2010 letter.

14. Based on the foregoing, Respondent violated a directive of the Department and is in violation of R.I. Gen. Laws § 5-20.5-14(a)(15) and Rule 30 of *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*.

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

THEREFORE, due to Respondent's violations as alleged above, her failure to respond to the Notice and the allegations contained therein, and his failure to request a hearing, the Director finds the Respondent has violated a directive of the Department and has violated R.I. Gen. Laws § 5-20.5-14(a)(15) and Rule 29 of *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*, which was in effect at all times pertinent hereto.

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



Paul E. McGreevy
Director

Entered as an Administrative Order No. 11- 019 on this 6th day of April, 2011.

THIS DECISION CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42 CHAPTER 35. AS SUCH, THIS DECISION 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 IN SAID COURT. RESPONDENT'S LICENSE SHALL BE REVOKED EFFECTIVE THE DATE OF THIS ORDER. NOTIFICATION OF SAID REVOCATION MAY BE PUBLISHED IN THE PROVIDENCE JOURNAL OR POSTED TO THE DEPARTMENT'S WEBSITE.

CERTIFICATION

I hereby certify that on this 7th day of April, 2011, a copy of this Notice was sent by first class mail postage prepaid and also by certified mail, return receipt requested, to Marjorie Shortway, 44 Lane #1, Warwick, RI 02888 and by electronic mail to the following parties at the Department of Business Regulation:

Ellen R. Balasco, Esq., Deputy Chief of Legal Services
Maria D'Alessandro, Deputy Director of Commercial Licensing, Racing and Athletics
William DeLuca, Real Estate Administrator