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

IN THE MATTER OF:

DBR No. 11-L-0039

JONATHAN WEINSTEIN and JAW REAL ESTATE, LLC d/b/a RENTPROV REALTY

:

RESPONDENTS.

**CONSENT ORDER** 

It is hereby agreed by and between the Department of Business Regulation ("Department") and Jonathan Weinstein and JAW Real Estate, LLC, d/b/a RENTPROV REALTY ("Respondents") as follows:

- 1. Respondents are licensed by the Department pursuant to R.I. Gen. Laws § 5-20.5-1, et seq. (the "Act").
- 2. The Department received a complaint in January 2011, alleging that Respondents improperly handled client escrow funds ("Complaint 1").
- 3. Respondents did not respond to the Department's inquiry in connection with Complaint 1.
- 4. A second complaint was filed in May 2011 alleging that Respondents improperly handled client escrow funds ("Complaint 2").
- 5. Due to the seriousness of alleged violations in Complaints 1 and 2, and the fact that the Department did not receive a response to Complaint 1, the Department issued Emergency Order No. 11-045 suspending Respondents license ("Emergency Order").
- 6. Immediately upon receiving the Emergency Order, Respondents' Counsel fully responded in writing for the Department to assess Complaints 1 and 2.

- 7. Based on the information contained in the response received noted in paragraph 6 above and further discussions with Counsel and Respondents, the Department deemed it appropriate to vacate the Emergency Order subject to further review for potential violations.
- 8. After further investigation, the Department found that Respondents did not mishandle clients escrow funds as alleged in Complaint 1 and 2. However, the Department did find that Respondents violated R.I. Gen. Laws §5-20.5-14(a)(17) by not timely responding to the Department in connection with Complaint 1 and R.I. Gen Laws §5-20.5-26 and related Commercial Licensing Regulation 11 Section 19(C) for not remitting disputed escrow funds to the General Treasurer in connection with Complaint 2.
- 9. The Respondents acknowledge violating R.I. Gen. Laws §5-20.5-14(a)(17) and §5-20.5-26 as fully set-forth in Commercial Licensing Regulation 11 Section 19(C).
- 10. Respondents agree to pay an administrative penalty in the amount of five hundred dollars (\$500) per violation for a total of one-thousand dollars (\$1,000.00), upon the execution of this document. A check or money order in that amount shall be made payable to the Office of the General Treasurer, and forwarded to the Department.
- 11. Within ten (10) business days from full execution of this agreement, Respondents agree to fully comply with R.I. Gen. Laws §5-20.5-26 as set-forth in Commercial Licensing Regulation 11 Section 19(C) in connection with Kayla Neill v. RentProv Realty (PD11-1678), Audrey Thorpe v. RentProv Realty (PD11-1679) and Lauren Knight v. RentProv Realty (PD11-1680) (collectively the "Superior Court Action"), by sending each of the tenants a thirty (30) day notice that the disputed funds will be forwarded to the RI General Treasurer in accordance with the applicable regulations. Respondents shall have five (5) business days from the date that the thirty (30) day notice period expires to provide documentary proof to the Department that the disputed funds indeed have been forwarded to the RI General Treasurer.
- 12. If Respondent fails to abide by the requirements of this Consent Order, the Department may initiate administrative proceedings after providing Respondents with notice and opportunity for hearing.
- 13. The parties agree that this Consent Order and its terms represent the final determination of this matter. By agreeing to resolve this matter through this Consent Order, respondent

voluntarily waives his right to the hearing process, and voluntarily waives his rights to pursue an appeal to the Rhode Island Superior Court.

14. The Department and Respondents hereby agree and consent to the foregoing as to form and substance.

Department of Business Regulation	Jonathan Weinstein and:
By its Legal Counsel	JAW Realty, LLC d/b/a RentProv Realty
the Dodge	Int Wit
Louis A. DeQuattro, Ir., Esq, CPA	Jonathan Weinstein
Deputy Director & Counsel	
	Counsel for Respondents
	Robert A. D'Amico, II, Esq.
	D'Amico • Burchfield, LLP
	536 Atwells Avenue
	Providence RI 02909
Date: 8/9/2011	Date: 8/4/1/
Recommended by:	
Mun Dalas co	
Éllen R. Balasco, Esq.	
Hearing Officer	

THIS SECTION INTENTIONALL LEFT BLANK ORDER TO APPEAR ON FOLLOWING PAGE

## <u>ORDER</u>

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

## **CERTIFICATION**

I hereby certify that on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_ 2011 that a copy of the within Consent Order was sent by first class mail postage prepaid and certified mail to:

Robert A. D'Amico, Esq. D'Amico & Burchfield, LP Atwells Avenue Providence RI 02919

Jonathan Weinstein JAW Realty, LLC d/b/a RentProv Realty 165 Atwells Avenue Providence, RI 02903

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and by electronic mail to the following personnel at the Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI: Louis A. DeQuattro, Jr., Esq., CPA, Deputy Director & Counsel and Maria D'Alessandro, Esq. Deputy Director.