

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

IN THE MATTER OF

GARY V. CHIANESE

RESPONDENT.

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DBR No. 09-L-0151

CONSENT AGREEMENT

It is hereby agreed between the Department of Business Regulation (“Department”) and Gary V. Chianese (“Respondent”) as follows:

1. Respondent is licensed as a Broker to engage in the business of real estate, holding license number B13792, issued by the Department.
2. On October 9, 2008, the Department received a complaint from Lynn Gonyea (“Complainant”) alleging violations of R.I. Gen. Laws, §§ 5-20.5-14(a)(1), (20) and (21).
3. The Respondent and Complainant entered into an initial Listing Agreement for the sale of the subject property while he was affiliated with an agency named REMAX Central.
4. Subsequent to the execution of that initial Listing Agreement, the Respondent terminated his business affiliation with REMAX Central, and became affiliated with a different agency named REMAX Metro at a different location.
5. The complaint alleges that Respondent, without authorization, forged the signature of the Complainant on a Listing Agreement in connection with the sale of real estate

located at 145 Eagle Peak Road, Pascoag, Rhode Island (“subject property”) in order to transfer the listing to REMAX Metro.

6. The complaint further alleges that the Respondent did not obtain authorization from Complainant to re-list the “subject property” with a different real estate agency, and that he did not obtain authorization to lower the asking price for the subject property on the Multi-State Listing Service (“MLS”).

7. The Respondent admitted, in a letter to the Department dated October 28, 2008, to forging Complainant’s signature, without her authorization, on both the listing withdrawal documents from REMAX Central and on the new Listing Agreement at REMAX Metro so as to re-list the subject property.

8. The Respondent also admitted, in the October 28 letter to the Department, to having reduced the sale price for the subject property on the forged Listing Agreement, without authorization to do so.

9. 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.

10. 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.

11. Based on the foregoing, the Department has reason to believe that Respondent has violated R.I. Gen. Laws §§ 5-20.5-14(a)(1), (20) and (21).

12. 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).

13. In an effort to effect a timely and amicable resolution of the issues raised in this Consent Agreement without an administrative hearing and to allow Respondent to maintain his license in good-standing, Respondent agrees to the following:

- A. Respondent shall pay an administrative penalty in the amount of \$500.00, to the Rhode Island General Treasurer, for signing Complainant's name on a document without her permission, as described herein, in violation of R.I. Gen. Laws §§ 5-20.5-14(a)(1) and (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 to transfer the listing for the subject property to a different agency at a reduced list price, as described herein, in violation of R.I. Gen. Laws § 5-20.5-14(a)(21).
- C. Respondent shall be suspended from engaging in any licensed real estate activity for period of one (1) week, beginning on August 30, 2009, and ending on September 6, 2009.

14. By agreeing to resolve this matter through the execution of this Consent Agreement, the Respondent voluntarily waives his right to the administrative hearing process, voluntarily waives his right to appeal any finding therefrom to the Superior Court, and agrees to take all necessary action as delineated in this Consent Agreement to maintain his license in good standing.

15. Respondent hereby acknowledges and agrees that failure to abide by any of the requirements of this Consent Agreement shall be grounds for the Department to initiate further administrative proceedings to impose penalties against Respondent including, but not limited to: (i) revocation and/or suspension, and (ii) such additional administrative penalties that the Department deems appropriate, pursuant to R.I. Gen. Laws § 5-20.5-14.

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

Department of Business Regulation
By its Legal Counsel:

Respondent:



ELLEN R. BALASCO, ESQ.
Deputy Chief of Legal Services

Date: 8/21/09



GARY V. CHIAVESE

Date: 8/21/09