## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS DEPARTMENT OF BUSINESS REGULATION JOHN O. PASTORE CENTER, BLDG. 68-69 1511 PONTIAC AVENUE CRANSTON, RHODE ISLAND 02920

RAYMOND J. LESSARD, Complainant

v. : DBR No. 10-L-0132

ROGER C. THERIEN
Respondent.

FINAL ORDER OF DISMISSAL

The above-captioned matter came before the undersigned Hearing Officer on March 28, 2011 for pre-hearing conference. At the request of the parties, the matter was continued for a full complaint hearing to May 16, 2011. Subsequent to the pre-hearing conference, the Hearing Officer received a telephone communication from the attorney representing the Respondent. He indicated that the parties were in the process of resolving the issues which caused this matter to come to the attention of the Department, and that he did not believe a hearing would be necessary.

On May 12, 2011, the Hearing Officer received via electronic mail a "Notice of Voluntary Dismissal" sent by the office of counsel for the Complainant. That Notice, executed by counsel for each party, stated in pertinent part: "The plaintiff, Raymond J. Lessard, hereby voluntarily dismisses with prejudice the above-captioned claims... as the issues contained within the Complaint pending against the Respondent by agreement of the parties and to the satisfaction of the parties. The consideration of this dismissal is such that no further administrative action should be taken against the Respondent/Licensee."

Based on the foregoing, the Hearing Officer respectfully recommends that the abovecaptioned matter be dismissed.

Dated: 5/16/11

Ellen R. Balasco, Esq. Hearing Officer

## **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

Paul E. McGreevy

Director

ENTERED as Administrative Order No. 11-642 this 1845 day of May, 2011.

THIS ORDER OF DISMISSAL CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-1 ET SEQ. 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 DECISION. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW IN SAID COURT.

## **CERTIFICATION**

I hereby certify on this \_\_\_\_\_\_day of May, 2011, that a copy of the within Final

Order was sent by first class mail, postage prepaid to:

COUNSEL FOR COMPLAINANT:	COUNSEL FOR RESPONDENT:
Karen Auclair Oliviera, Esq.	Mark L. Smith, Esq.
Lincoln Center, Suite 205	Park Square Place, Suite 101
132 Old River Road	176 Eddie Dowling Highway
Lincoln, RI 02865	North Smithfield, RI 02896

and by electronic mail to the following parties at the Department of Business Regulation:

William J. DeLuca, Real Estate Administrator - Division of Commercial Licensing

Maria D'Alessandro, Deputy Director – Division of Commercial Licensing