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

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IN THE MATTER OF:	:	
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Sharon Kosciusko,	:	DBR No.: 10-L-0142
	•	
Respondent.	:	
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ORDER OF REVOCATION

The above-entitled matter came on for hearing pursuant to the Department of Business Regulation's ("Department") Notice of Intent to Revoke License and Provide Opportunity for a Hearing ("Notice") issued by the Department on October 15, 2010 and an Order Appointing Hearing Officer and Providing Notice of Departmental Hearing issued October 25, 2010 to Sharon Kosciusko ("Respondent"). The Respondent currently holds a license as real estate broker pursuant to R.I. Gen. Laws § 5-205-1 et seq. A prehearing conference was held on November 17, 2010 at which time the issue was clarified. On December 17, 2010, the Respondent wrote to the Department indicating she would like her license to be placed "on hold" but there is no such provision allowed under the statute. A hearing was scheduled for March 24, 2011 and the parties notified. The Respondent had adequate notice but did not appear.

At hearing, the Department submitted a copy of the Respondent's criminal record indicating that she pled *nolo contendere* to aiding and abetting obtaining money under false pretenses. She was sentenced to a five (5) year deferred sentence. She also agreed to surrender her real estate appraiser's license to the Department. See Department's

Exhibit One (1). Her criminal conviction¹ related to her inflating her residential real estate appraisals to reach a certain number required by an "investor." See Department's Exhibit Two (2). At hearing, the Department's counsel requested that the undersigned make findings of facts on the basis of the Notice and enter a default judgment against Respondent revoking her real estate broker's license. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 5-20.5-1 et seq.

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 21 of the Central Management Regulation 2 – Rules of Procedure in Administrative Hearings ("CMR2"), the Respondent is declared to be in default for failing to appear at the pre-hearing conference.

2. Pursuant to Section 21 of CMR2, the allegations in the Notice are found to be true.

Based on the forgoing, the undersigned makes the following conclusions of law:

1. Pursuant to R.I. Gen. Laws § 5-20.5-14(a)(14), the Respondent has been convicted of a crime delineated in R.I. Gen. Laws § 5-20.5-14(a)(14) and her real estate broker's license shall be revoked.

On the basis of the forgoing, the undersigned makes the following recommendation:

1. That the Respondent's real estate broker's license is revoked.

Date: $\frac{3/31/11}{3}$

Catherine R. Warren Hearing Officer

¹ R.I. Gen. Laws § 12-18-3 provides that pleas of *nolo contendere* followed by a suspended or deferred sentence are considered convictions.

Date:

Date:

Entered as Administrative Order No. //- On the bar and the recommendation of day of April, 2011.

I have read the Hearing Officer's recommendation in this matter and I hereby

NOTICE OF APPELLATE RIGHTS

THIS ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify on this _____ day of April, 2011, that a copy of the within Order was sent by first class mail, postage prepaid to Peter Leach, Esquire, Law Office of Peter P. Leach, 293 South Main Street, Suite 1, Providence, RI 02903 and Ms. Sharon Kosciusko, 190 Viceroy Road, Warwick, RI 02886 and by electronic delivery to Ellen R. Balasco, Esquire and Maria D'Alessandro, Deputy Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI