

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

IN THE MATTER OF	:	
	:	
GORDON DWAN,	:	DBR No. 15RE016
	:	
RESPONDENT.	:	

CONSENT AGREEMENT

The Division of Commercial Licensing (“Division”) of the Rhode Island Department of Business Regulation (“Department”) enters into this Consent Agreement (“Agreement”) with Gordon Dwan (“Respondent”) to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondent that:


1. The Respondent holds a real estate broker license issued by the Department.
2. On February 18, 2015, the Respondent, upon entry of a nolo contendere plea to a felony charge, was sentenced to three years suspended sentence/probation.
3. R.I. Gen. Laws § 5-20.5-14(14) allows the Department to take disciplinary action against a real estate broker if the Respondent is “convicted of any criminal felony in a court of competent jurisdiction of this or any other state or federal court, involving dishonesty, breach of trust, forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, fraud, false dealing or

any similar offense(s) or by pleading guilty or nolo contendere to any such criminal offense or offenses.”

4. The Respondent contested that the charge at issue fell within the scope of R.I. Gen. Laws § 5-20.5-14(14).
5. Commercial Licensing Regulation 11 *Real Estate Brokers and Salespersons* (“CLR 11”), Section 13 provides that “[a]ny licensee convicted of, or otherwise pleads guilty or *nolo contendere* to, any felony or misdemeanor...shall file with the Department a written report of such conviction or disciplinary action within sixty (60) days of the final judgment or final order in the case.”
6. The Respondent admitted that he failed report the plea and sentence as required under the Regulation.
7. The Respondent has completed over a year of his suspended sentence/probation with no violations of its terms and conditions.
8. The Respondent cooperated with the Department since the Department initiated its investigation of this matter, including refraining from engaging in any licensed activity until the investigation was resolved.
9. The Respondent certifies that he has no prior criminal record in any jurisdiction.
10. In order to resolve this matter without an administrative hearing, the parties agree as follows:
 - A. The Respondent’s real estate broker’s license shall be suspended until the end of his suspended sentence/probation on February 18, 2018.
 - B. The Respondent may be licensed a real estate salesperson under the supervision of a licensed broker during this suspension of his real estate broker’s license.

- C. The Respondent shall comply with all statutes and regulations governing conduct of real estate salespersons under R.I. Gen. Laws § 5-20.5-1 et seq. and CLR 11.
- D. The Respondent shall immediately notify the Department of any violation of the terms of the Respondent's suspended sentence/probation which shall be grounds for revocation of any real estate license held by the Respondent.
- E. In addition to the aforementioned duty of immediate notification of any violations, the Respondent shall send a letter to the Department every three months affirmatively certifying that he is in compliance with the terms of the suspended sentence/probation until such time as it is successfully completed.
11. Respondent voluntarily waives any right to an administrative hearing and appeal to Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
12. If Respondent fails to abide by the requirements of this Consent Agreement, the Department may initiate further administrative proceedings against the Respondent.

For the Division:



Signature

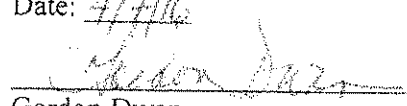
Date: 4/14/16

Maria D'Alessandro, Esq.
Deputy Director, Securities, Commercial
Licensing and Racing and Athletics

For the Respondent:

Signature

Date: 4/7/16


Gordon Dwan