

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: :

KYLE SEYBOTH, :

DBR No. 16RE004

RESPONDENT. :
_____ :

CONSENT AGREEMENT

It is hereby agreed between the Department of Business Regulation (“Department”) and Kyle Seyboth (“Respondent”) as follows:

1. Respondent is licensed as a real estate salesperson (License No. RES.0034915) pursuant to R.I. Gen. Laws § 5-20.5-1, *et seq.* to engage in the business of real estate, and is affiliated with Keller Williams Realty Leading Edge, located in the Town of Cumberland, Rhode Island (the “Agency”).

2. On July 26, 2012, the Department received a complaint from Susan Kelly (“Complainant”) alleging violations of R.I. Gen. Laws § 5-20.5-1, *et seq.* and Commercial Licensing Regulation 11 – *Real Estate Brokers and Salespersons*. (“CLR 11”)

3. The complaint alleged that the Respondent contacted the sellers of property located at 45 Weybosset Street, Providence, Rhode Island (“subject property”) while having knowledge that the sellers were parties to an exclusive listing agreement with the Complainant, a licensed broker who represented the sellers.

4. As a result of its investigation into the facts alleged, the Department has reasonable cause to believe that the Respondent violated R.I. Gen. Laws § 5-20.5-14(a)(23)

by knowingly negotiating the terms of sale directly with a seller who was represented by another broker via an exclusive listing agreement for the subject property.

5. Accordingly, the Department has sufficient cause to assess an administrative penalty pursuant to R.I. Gen. Laws § 5-20.5-14(b), which authorizes the Department to levy an administrative penalty not exceeding One Thousand (\$1,000) Dollars for each violation under this section or of any rules and regulations of the Department.

6. In making its determination, the Department has considered the following mitigating factors and their effect on the appropriateness of the sanctions imposed against the Respondent for the violation alleged.

- a. The Respondent has no prior complaints against him in his licensing history with the Department, and has not been the subject of any disciplinary actions by the Department prior to the filing of this complaint;
- b. There is no evidence that the Respondent's acts were made with the intention to defraud any party;
- c. The Respondent has made a good faith attempt to cooperate with the Department's inquiries.
- d. It is in the public interest to settle the matter without further administrative action considering the conservation of Department resources.

7. The Respondent does not admit to committing the violations alleged herein, but has been afforded the opportunity to review with counsel the case to be presented by the Department if a hearing of this matter were to be held, and is of the opinion that it would be contrary to his own best interest to proceed with the administrative hearing process at this time.

In an effort to effect a timely and amicable resolution of the issues raised in this Consent Agreement without an administrative hearing or a finding of a violation of R.I. Gen. Laws § 5-20.5-1, *et seq.* and to allow Respondent to maintain his license in good standing, Respondent agrees to pay to the Office of the Rhode Island General Treasurer the sum of TWO HUNDRED FIFTY DOLLARS (\$250.00) as an administrative penalty.

In consideration thereof, the Respondent voluntarily waives his right to the administrative hearing process and voluntarily waives his right to appeal this matter to the Rhode Island Superior Court.

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

Department of Business Regulation
By its Legal Counsel:

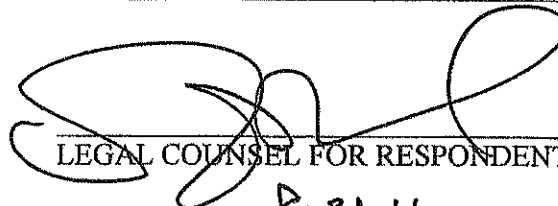
Respondent:


MARIÀ D'ALESSANDRO
DEPUTY DIRECTOR


KYLE SEYBOTH
RESPONDENT

Date: 9/7/16

Date: 8-31-16


LEGAL COUNSEL FOR RESPONDENT
Date: 8.31.16