

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

IN THE MATTER OF	:	
	:	
JOHN P. SILVAGGIO,	:	DBR No. 21CN001
	:	
RESPONDENT.	:	

CONSENT AGREEMENT

The Department of Business Regulation, Division of Commercial Licensing (“Department”) and John P. Silvaggio (“Respondent”) (collectively “the Parties”) hereby consent and agree that:

1. On March 24, 2021, Respondent applied for certification as a Certified Constable (“Application”). The Application contained the form required by the Department (“Form”) as well as supplemental materials, including: two (2) recent letters of recommendation from licensed Rhode Island attorneys, three (3) documents dated 2008, 2009 and 2010 regarding constable training and service of process, Respondent’s resume, two (2) state criminal history reports from 2020 and 2021, and ten (10) pages of a report on Respondent’s “content management system.”
2. On August 23, 2021, the Department received a letter from the Chief Judge of the District Court (“Chief Judge”) stating that Respondent “was terminated as a District Court Constable” on May 5, 2011 (“Letter”).
3. The Form did not ask whether the applicant had received any discipline related to occupational licensure and the Application did not disclose Respondent’s prior termination as a Rhode Island State Constable.
4. On October 4, 2021, the Department formally presented the Application and the Letter to the Certified Constables’ Board (“Board”) for its consideration and recommendation thereon; the Board recommended denial of the Application based on his prior license’s termination.
5. By letter dated October 15, 2021, the Department notified the Respondent that the Application was denied and his certification refused, and informed Respondent of his right to an administrative hearing.

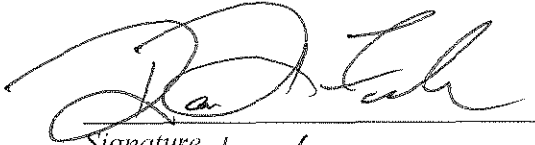
6. On October 28, 2021, the Department received Respondent's request via e-mail for an administrative hearing.
7. On December 2, 2021, the Department issued an *Order to Show Cause Why Certification Should Not be Denied and Certification Should be Refused, Notice of Hearing, and Appointment of Hearing Officer* ("Order") to Respondent. The parties participated in a pre-hearing conference with said Hearing Officer on December 17, 2021 and have otherwise discussed resolution of the administrative matter.
8. In an effort to affect a timely and amicable resolution of the issues raised in this Consent Agreement without an administrative hearing, and in consideration of the Respondent's forthright cooperation with the Department during the Application's review and the approximately ten (10) years since the termination of Respondent's prior license, the Department and the Respondent enter into this Consent Agreement solely for the purpose of avoiding the burdens and expenses of litigation. The Parties agree to resolve the matter and the Department agrees to issue a Conditional Certification ("Certification") to the Respondent based upon the satisfaction of the following terms and conditions:
 - a. Respondent must submit documentation and evidence satisfactory to proving compliance with the following requirements of R.I. Gen. Laws § 9-5-10.1(a)(2), effective July 8, 2021:
 - (i) United States Citizenship;
 - (ii) Possession of a valid motor vehicle operator's Certification;
 - (iii) Successful completion of unlawful drug use screening;
 - (iv) Successful completion of psychological testing approved by the department of business regulation; and
 - (v) Any other requirements under § 9-5-10.1 that were applicable at the time of the March 24, 2021 application.
 - b. Upon the satisfactory receipt of the documentation listed in ¶8(a), Respondent must subsequently comply with the requirements for training in accordance with R.I. Gen. Laws § 9-5-10.1(b)(3), effective July 8, 2021. Respondent's prior training as a Certified Constable shall not be satisfactory proof of compliance with R.I. Gen. Laws § 9-5-10.1(b)(3);
 - c. Upon the satisfactory performance of the requirements set forth in ¶8(b) and the receipt of sufficient and appropriate documents evidencing the same, Respondent must submit to and satisfactorily complete an oral and a written exam pursuant to R.I. Gen. Laws § 9-5-10.1(b)(4);
 - d. The Certification shall be issued to the Respondent upon completion of the requirements set forth in ¶8(a)-(c), and the conditional nature of the Certification shall be in effect throughout the Respondent's first licensing cycle, at the conclusion of which the conditional nature of the Certification shall cease; and

- e. The Respondent acknowledges and agrees that he is expected to keep the peace and be of good behavior while he possesses the Conditional Certification, and that proof to the contrary could result in the Director's or her designee's immediate revocation, suspension, or placement on probation of his Certification.
9. The Respondent enters into this Consent Agreement knowingly, voluntarily and of his own free will.
10. The parties agree that this Consent Agreement and its terms represent the final determination of this matter.
11. *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, *et seq.*
12. *Enforcement.* If the Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein, the Respondent will be in violation hereunder and the Department shall be entitled to immediately take enforcement or other action in accordance with applicable law.
13. *Compliance; Laws.* Compliance with the terms of this Consent Agreement does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

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Signature Page

For the Department:

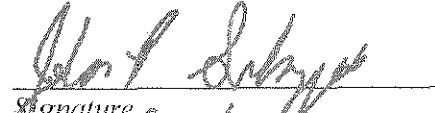


Signature

Date: 1/21/2022

Mr. Don DeFedele
Associate Director
Division of Commercial Licensing

Respondent:



Signature

Date: 1/21/22

Mr. John P. Silvaggio

CERTIFICATION

I hereby certify that on this day, 21~~st~~ of January 2022, a true copy of the within Consent Agreement was sent by first-class mail to:

John P. Silvaggio
126 Hedley Avenue
Johnston, RI 02919

And by E-mail to:

1. Catherine Warren, Esq., Hearing Officer (Catherine.Warren@doa.ri.gov);
2. Donald DeFedele, Associate Director, Chief of Commercial Licensing (Donald.DeFedele@dbr.ri.gov);
3. Kimberly Precious, Chief Implementation Aide (Kimberly.Precious@dbr.ri.gov);
4. Sara Tindall-Woodman, Deputy Chief of Legal Services (sara.k.tindallwoodman@dbr.ri.gov); and
5. Respondent (jsilvaggio@gmail.com).

