

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

IN THE MATTER OF

DONALD D. BENNETT,

RESPONDENT.

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DBR No. 08-L-0092

AMENDED CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and Donald D. Bennett (“Respondent”) restates and amends the Consent Agreement dated May 2, 2008 as follows:

1. Respondent is licensed as a real estate salesperson (license no. S30203) to engage in the business of real estate pursuant to R.I. Gen. Laws § 5-20.5-1, *et seq.*
2. On or about April 21, 2008, Respondent filed an application for the renewal of his real estate salesperson license (“Renewal Application”).
3. On the Renewal Application, Respondent indicated “Yes” to the question, “Have you ever been arrested or charged with any crime or offense in Rhode Island or any other jurisdiction?”
4. Respondent provided his criminal history record (“BCI”), dated April 25, 2008, and a letter of explanation on April 29, 2008.
5. Respondent’s BCI revealed that he was charged with felony assault with a dangerous weapon and reckless driving/eluding police on February 4, 2008.

6. Based on the charges filed against Respondent, the Department had cause to question whether Respondent possessed the requisite qualifications for licensure and to investigate whether the Renewal Application should be denied pursuant to R.I. Gen. Laws § 5-20.5-14. In his letter of explanation to the charges, Respondent stated that he is working with an attorney to defend himself against these charges. He averred that he is active in the community, providing free advice and counsel on matters pertaining to real estate, and donating personal time to various charities. Respondent requested that the legal process conclude before taking an administrative action against his license.

7. In an effort to effect a timely resolution of the issue raised by his February 4, 2008 arrest and allow Respondent an opportunity to answer the charges through the legal process, the Department and Respondent entered into a Consent Agreement on May 2, 2008 in which Respondent was issued a conditional real estate salesperson license. As part of the agreement, Respondent agreed to notify the Department within two (2) days following the resolution of the criminal matter.

8. On March 31, 2009 Respondent notified the Department that he pleaded *nolo contendere* on March 30, 2009 to the charges of felony assault, conspiracy to commit felony assault, and eluding police. He received a sentence of seven (7) years with one (1) to serve and six (6) suspended, commencing on April 14, 2009.

9. R.I. Gen. Laws § 5-20.5-6 authorizes the Department to issue a license if satisfied that the applicant is competent and trustworthy and allows the Department to suspend or revoke a license for cause.


10. Based on Respondent's plea of *nolo contendere*, the Department believes it has cause to revoke or otherwise sanction his license pursuant to R.I. Gen. Laws § 5-

20.5-6 and issued an Order to Show Cause Why License Should Not Be Revoked or Otherwise Sanctioned to Respondent on April 8, 2009 ("Order to Show Cause").

11. In an effort to effect a timely, interim resolution of the issue raised in the Order to Show Cause, the Department and Respondent hereby agree as follows:

- a. Respondent's license is suspended as of April 14, 2009.
- b. The Department will stay any further administrative enforcement action against Respondent's license while Respondent is incarcerated under the jurisdiction of the Rhode Island Department of Corrections.
- c. Upon his release from the jurisdiction of the Rhode Island Department of Corrections, Respondent may request the reinstatement of the administrative hearing process afforded to him pursuant to the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, *et seq.*, to resolve the issue set forth in the Order to Show Cause.

CONSENTED TO AS TO FORM AND SUBSTANCE BY:



Michael P. Jolin, Esq.
Deputy Chief of Legal Services
Department of Business Regulation

Date: 4/13/09



Donald D. Bennett, Respondent
188 Sargent Street
Warwick, Rhode Island 02888

Date: 4/13/09

THIS CONSENT AGREEMENT CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN 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 OF SAID COURT. HOWEVER, RESPONDENT UNDERSTANDS THAT BY WAIVING HIS RIGHT TO A COMPLETE HEARING AND AGREEING TO THIS CONSENT ORDER, THE ABOVE RIGHTS ARE WAIVED AND IF ANY TERMS OF THIS CONSENT ORDER ARE VIOLATED, REFERRAL MAY BE MADE TO THE RHODE ISLAND ATTORNEY GENERAL FOR FURTHER PROSECUTION.