

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 :
 :
DANIEL McSWEENEY, : DBR No. 10-1-0111
 :
RESPONDENT. :
 :
:

CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and Daniel McSweeney (“Respondent”) hereby consent and agree that:

1. On December 9, 2009, Respondent submitted an application for a Real Estate Salesperson license to the Department’s licensing division.
2. Along with his application, the Respondent submitted a certificate establishing his completion on May 1, 2007 of a forty-five (45) hour pre-licensing course with the Bellevue Real Estate School, in Newport, Rhode Island.
3. Pursuant to Section 7 of Commercial Licensing Regulation 11 entitled *Real Estate Brokers and Salespersons* the completion of a minimum of forty five (45) classroom hours pursuant to R.I. Gen Laws § 5.20.5-4(b) must be completed no more than two (2) years from the date of the application in order to be considered in meeting the 45-hour requirement.
4. Based on Respondent’s failure to apply for a licensure within the required two (2) year time limitation between the completion of the forty-five (45) classroom

hours and the date of the application pursuant to Section 7 of Commercial Licensing Regulation 11 entitled *Brokers and Salespersons*, the Department has cause to question whether Respondent possesses the requisite qualifications for licensure and whether the License Application should be denied pursuant to R.I. Gen Laws § 5-20.5-4.

5. On January 29, 2010, the Department sent notification by letter to the Respondent indicating its intention to deny his license application, setting forth the grounds for its decision as stated herein, and affording Respondent the opportunity to withdraw his application or to request a hearing.

6. On April 26, 2010, the Department received a written request for hearing from the Respondent relative to the denial of this license. A pre-hearing conference was held on January 7, 2011, at which time the Respondent agreed to take certain action to address the deficiencies in his application and to qualify for licensing by the Department.

WHEREFORE, it has been determined by the Department that it is in the public interest to resolve the above-referenced matter without the continuation of the administrative hearing process. In making its determination, the Department has considered certain mitigating factors and their effect on the appropriateness of issuing a real estate salesperson license to the Respondent.

By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent voluntarily waives his right to complete the administrative hearing process; voluntarily waives his right to appeal this Consent Agreement or the final disposition of this administrative matter to the Superior Court; admits that the allegations in paragraphs 1 through 6 are true; is willing to remedy this matter; and is

willing to take all necessary action as delineated in the following paragraphs of this Consent Agreement in order to qualify for a real estate salesperson license.

The Respondent agrees to the following:

1. The Respondent shall re-take and pass the written examination for salesperson license through the appropriate testing facility to show his knowledge of state statutes and the rule and regulations relating to real property, deeds, mortgages, leases, contracts and agency.
2. The Respondent shall resubmit his application to the Department with updated supporting documents including a current B.C.I. record from the Department of Attorney General, and Certificate of Errors and Omissions Insurance.
3. If the Respondent completes the requirements set forth in Paragraphs 1 and 2 above on or before APRIL 15, 2011, the Department shall issue to *EB* him a real estate salesperson license within a reasonable time after receipt of all documents.
4. If the Respondent fails to comply with the requirements set forth herein, the Department is under no obligation to issue a license to the Respondent unless and until he has met all statutory and regulatory requirements for licensing are met by the Respondent, including the re-taking of the 45 hour pre-licensing course within the requisite two (2) immediately passed years.

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

Department of Business Regulation
By:

Ellen Balasco
ELLEN R. BALASCO, ESQ.
Deputy Chief of Legal Services

Date: 1/24/11

Respondent:

Daniel McSwaney
DANIEL McSWEENEY

Date: Jan. 17. 11