

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDGS. 68-69
1511 PONTIAC AVENUE
CRANSTON, RI 02920**

IN THE MATTER OF:

JOHN M. SANTILLI, JR.

RESPONDENT.

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DBR No. 10-L-0035

CONSENT AGREEMENT

The Department of Business Regulation (“Department”) and John M. Santilli, Jr. (“Respondent”) hereby consent and agree that:

1. Respondent is licensed as a broker to engage in the business of real estate, having been issued License No. B6555.
2. When the Respondent filed an electronic request for renewal of his license for the May 1, 2008 deadline, he made a positive affirmation certifying to the Department that he had attended and successfully completed the real estate continuing education courses required for the renewal of his license.
3. In July of 2009, the Department conducted a random audit of real estate broker and salesperson licensees who had renewed their licenses electronically for the renewal period beginning May 1, 2008 to insure licensee compliance with the continuing education requirements.
4. As a result of that random audit, the Department sent a letter to the Respondent on August 5, 2009 requesting that he forward certification for all continuing education courses he had completed from May 1, 2006 to April 30, 2008. The deadline for responding to the Department’s request was September 8, 2009.
5. On January 7, 2010, the Department mailed a Second Request letter to the Respondent again requesting that the Respondent forward certification for all continuing education courses for the period from May 1, 2006 to April 30, 2008.

6. The Respondent reported to the Department that he did not receive the August 5, 2009 letter sent to him by the Department, but that he did contact the Real Estate Licensing Division at the Department by telephone in January after receiving the second notice, and he agreed that he had not taken the required new Agency course required for the 2008-2010 renewal period.

7. The Respondent reported that he mistakenly believed he was exempt from taking any and all continuing education classes prior to renewal, due to his “grandfathered” status as his license was first issued prior to December 12, 1984.

8. The Respondent reported that he was unaware of the requirement for all renewing brokers to have taken the three credit “New Agency Law” course, although this information was available to licensees through the Department’s website, by telephone inquiry or through local real estate professional associations.

9. The Respondent met with the Department after the filing of an Order to Show Cause and Notice of Intent to Sanction the Respondent’s license, and he provided a certificate of completion for the Agency course, which he had attended on April 26, 2010.

10. The Department has determined that the Respondent failed to complete the required continuing education credits necessary for the renewal of his broker’s license for the 2008-2010 renewal period, specifically that he was required to take the new Agency Law course, and had failed to do so prior to his renewal.

11. Based on the foregoing, the Department has reason to believe that Respondent has technically violated R.I. Gen. Laws §§ 5-20.5-6, 5-20.5-14(a)(17) and Rule 29 of Commercial Licensing Regulation 11 *Real Estate Brokers and Salespersons* (as amended April 24, 2006).

12. Based on the foregoing, the Department had sufficient cause to initiate administrative proceedings to sanction Respondent’s license via suspension or revocation pursuant to R.I. Gen. Laws § 5-20.5-15(a), and did in fact do so by filing an Order to Show Cause on March 25, 2010.

13. The Department finds that the Respondent’s actions described herein were the result of a good faith mistake, and were not motivated by an intention to defraud or misrepresent his qualifications for licensing to the Department or to the general public.

14. Based on these mitigating factors, the Department agrees by the execution of this Consent Agreement to resolve this violation in the manner described herein.

15. By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent voluntarily waives his right to the administrative hearing process; voluntarily waives his right to appeal this Consent Agreement; admits that the allegations in paragraphs 1 through 9 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 to allow Respondent to maintain his license in good-standing, and to renew his license for the next licensing period.


- A. Respondent shall pay an administrative penalty of \$100.00 on the date of execution of this Consent Agreement. Said payment shall be made in the form of money order or certified check payable to the General Treasurer, State of Rhode Island.
- B. Respondent has successfully completed the required course in Agency, and provided documentation to the Department of same.

16. Respondent hereby acknowledges and agrees that failure to abide by any of the requirements of this Consent Agreement, including late or missed payments, shall result in establishing grounds for the Department to initiate further administrative proceedings to impose penalties against Respondent including, but not limited to: (i) revocation and/or suspension of her license, and (ii) such additional administrative penalties that the Department deems appropriate.

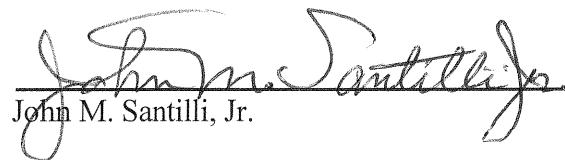
THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:

Department of Business Regulation:

Respondent:



Ellen R. Balasco, Esq.
Deputy Chief of Legal Services



John M. Santilli, Jr.

Date: 5/24/10

Date: May 19, 2010