

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDG. 68
CRANSTON, RHODE ISLAND 02920

IN THE MATTER OF: :
: :
GEORGE W. STANSFIELD, III, : DBR No.: 07-L-0286
: :
PETITIONER. :
: :
:

**DECISION ON PETITIONER'S
MOTION FOR RECONSIDERATION**

Following a withdrawal of his Superior Court appeal of the Department's Decision, dated August 27, 2008 ("Decision"), George W. Stansfield, III, ("Petitioner") petitioned the Director of the Department of Business Regulation ("Director") to reconsider the Decision's final order on September 26, 2008. Rule 19 of *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings* allows a party to ask the Director to reconsider the final order contained in a Departmental decision. Pursuant to this rule, motions for reconsideration are treated as follows:

At any time after the issuance of a final order of the Director any Party may, for good cause shown, by motion petition the Director to reconsider the final order. The petitioner shall file his/her motion within ~~ten (10)~~ ^{twenty (20)} days of the issuance of the final order and shall set forth the grounds upon which he/she relies. The Director may grant the motion for reconsideration within his/her discretion.

Petitioner is a licensed real estate salesperson pursuant to R.I. Gen. Laws § 5-20.5-1, *et seq.* He came before the Department as the result of a complaint filed against him by Lisa A. Videtto ("Complainant"). Based on the evidence presented at hearing and the applicable law, Complainant preponderated sufficient evidence to establish that Petitioner's

license should be sanctioned for four (4) separate violations of R.I. Gen. Laws § 5-20.5-14(a) and Rule 20 of *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*. In his Decision, the Director ordered that Petitioner pay an administrative penalty in the amount of three thousand dollars (\$3,000), payable to the Rhode Island General Treasurer.


Here, Petitioner does not challenge the Director's conclusions of law or their factual basis. He also does not dispute the serious nature of the violations or argue that different findings be made. Rather, in his motion for reconsideration, Petitioner seeks a reduction in the amount of the fine or in the alternative, some type of installment plan to pay the fine over time. He cites the financial hardship that the penalty will cause him and his family as the reason for his request. He avers that he does not engage in the business of real estate full time and that the majority of his living wage is earned in his capacity as a public safety officer. Thus, given the current economic conditions, Petitioner argues that the amount of the fine presents a tremendous financial burden.

Before proceeding further, it is important to reiterate that the scope of the administrative sanctions ordered in the Decision were appropriate to the violations established. Petitioner's failure to disclose the step issue to Complainant constituted a substantial misrepresentation in violation of R.I. Gen. Laws § 5-20.5-14(a)(1). It also demonstrated untrustworthiness in violation of R.I. Gen. Laws § 5-20.5-14(a)(20) and showed that he did not deal fairly with Complainant in violation of Rule 20(A) of *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*. Moreover, his failure to engage in a diligent inquiry regarding the step issue violated Rule 20(B) and showed incompetency in violation of R.I. Gen. Laws § 5-20.5-14(a)(20). Finally,

Petitioner failed to reveal to Complainant, in writing, all information and facts material to the transaction in violation of Rule 20(B) via R.I. Gen. Laws § 5-20.5-14(a)(15).

Given the serious nature of these violations, Petitioner's request for a reduction of the administrative sanctions must be denied. However, an equivalent sanction that recognizes the severity of these violations but does not result in as onerous a burden can honor both fairness and justice. Thus, in lieu of the \$3,000 fine, Petitioner's license is hereby suspended for a period of twenty-one (21) days beginning on January 1, 2009. In addition, Petitioner is hereby ordered to pay an administrative penalty in the amount of five hundred dollars (\$500), payable to the Rhode Island General Treasurer, no later than thirty (30) days from the date of this decision.

Dated: 12-03-2008


A. Michael Marques
Director

THIS DECISION CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS DECISION MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR 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 IN SAID COURT.

CERTIFICATION

I hereby certify on this 3rd day of December 2008, that a copy of the within Decision on Petitioner's Motion for Reconsideration was sent by first class mail, postage prepaid to:

Lisa A. Videtto
12 Dixon Street
Cumberland, Rhode Island 02864

George W. Stansfield, III
Hanaway Real Estate
1427 Diamond Hill Road
Cumberland, Rhode Island 02864

and by electronic mail to the following staff at the Department of Business Regulation,
1511 Pontiac Ave, Cranston, Rhode Island 02920:

Michael P. Jolin, Esq.
Hearing Officer

William DeLuca
Acting Administrator – Real Estate

Leslie Pratt
Licensing Aide – Real Estate

A B Ellison