

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDG. 68, 69
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF: :
 :
JENNIFER BARNES, :
a/k/a JENNIFER CALORE, :
a/k/a JENNIFER SALVUCCI : **DBR No. 13RE112**
d/b/a NEW ENGLAND REAL ESTATE :
MANAGEMENT SERVICES, and :
RENT RHODE ISLAND :
 :
RESPONDENT. :

DECISION AND ORDER TO CEASE AND DESIST

Hearing Officer: Jenna Algee, Esq.

Hearing Held: February 4, 2014

Appearances:

For the Department of Business Regulation, Division of Commercial Licensing: Ellen Balasco, Esq.

For Respondents: No appearance by Respondent or counsel.

I. INTRODUCTION

This matter commenced with an Order to Show Cause Why Cease and Desist Order Should Not Issue, Notice of Hearing and Appointment of Hearing Officer (“Order”) issued by the Director of the Department of Business Regulation (“Department”) to Jennifer Barnes, a/k/a Jennifer Calore, a/k/a Jennifer Salvucci d/b/a New England Real Estate Management Services, and Rent Rhode Island (“Respondent”) on January 14, 2014.

Pursuant to R.I. Gen. Laws § 42-6-8, the Director appointed the undersigned as Hearing

Officer for the purpose of conducting the hearing and rendering a decision in this matter. The Respondent failed to appear as required by the Order, despite having been properly served by the Department. Therefore, it is recommended that the Respondent be defaulted and an Order Cease and Desist be issued against performance of any acts constituting unlicensed activity under R.I. Gen. Laws § 5-20.5-1 *et seq.*

II. JURISDICTION

The Department has jurisdiction over this matter pursuant the R.I. Gen. Laws § 5-20.5-1 *et seq.*, subject to the relevant provisions of the Administrative Procedures Act, 42-35-1 *et seq.*

III. FINDINGS OF FACT

The undersigned Hearing Officer makes the following findings of fact:

1. Respondent does not now hold, and has never held a real estate broker's license issued by the Department.
2. On January 14, 2014, the Director of the Department issued an Order requiring Respondent to appear before the Department on February 4, 2014 to answer why the Director of the Department should not issue an order requiring the Respondent to cease and desist from unlicensed activities pursuant to R.I. Gen. Laws § 5-20.5-28.
3. The Respondent failed to appear at the Department on that date and failed to otherwise defend the allegations contained in the Order in any manner.
4. The Certification attached to the Order evidences that the Order was sent to Respondent by first class mail, postage prepaid, and by certified mail to 48

Highland Street, Pawtucket, Rhode Island and to 350 Pawtucket Ave, Pawtucket, Rhode Island.

5. Neither the first class mail nor the certified mail was returned to the Department.
6. It was evidenced by United States Postal Service Track and Confirm printouts that Orders sent to both addresses were made “available for pickup” on January 31, 2014. Department Exhibit # 1.
7. Department’s Exhibit # 2 shows that the Pawtucket Avenue address is listed for a Jennifer Calore on WhitePages.com.
8. Department’s Exhibit # 2 shows the Highland Street address for New England Real Estate Management Services on a facebook.com page on which a Jennifer Barnes has posted three rental properties.
9. Department’s Exhibits # 5 and # 3 lists the Pawtucket Ave address as the address for Jennifer Barnes in a complaint filed with the Department and the Rental Protection Agency, respectively.
10. The facts set forth in the Order, attached hereto as Exhibit A, are incorporated by reference in this Decision and Order to Cease and Desist.

IV. CONCLUSIONS OF LAW

1. The Department has complied with Central Management Regulation 2 *Rules of Procedure for Administrative Hearings* (“CMR 2”), Section 9(B), which provides:

“Unless otherwise ordered or authorized by the Hearing Officer, service under these Rules shall be made upon a Party or upon the Party’s attorney, if an appearance has been entered, by first class mail postage prepaid, certified mail or hand delivery to his or her place of business, home address or other address supplied by the Party in the pleadings... For non-licensees, service shall be at the last known address which the Department reasonably believes will result in actual delivery to the non-licensee. Service by mail is complete upon mailing.”

2. It is presumed that the Respondent received notice of the hearing date. “In Rhode Island, notice sent by regular mail to a person's address of record and usual place of abode creates a presumption of receipt.” *Bresette v. State*, 2013 WL 140344.
3. The Respondent has defaulted within the meaning of CMR 2, Section 21, which provides:

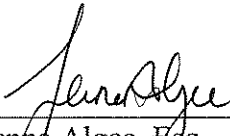
“If any Party to a proceeding fails to answer a complaint, plead, appear at a prehearing conference or hearing or otherwise fails to prosecute or defend an action as provided by these Rules, the Hearing Officer may enter a default judgment against the defaulting Party, take such action based on the pleadings and/or other evidence submitted by the nondefaulting Party as the Hearing Officer deems appropriate in his/her sole discretion or take such other action as the Hearing Officer deems appropriate in his/her sole discretion. Challenge to such an order shall be made as a motion for reconsideration per Section 19.”
4. The Department has complied with the requirements of R.I. Gen. Laws § 42-35-9 regarding notice in contested cases because the Respondent was afforded an opportunity for a hearing after reasonable notice.
5. Based upon the allegations in the Order, it is appropriate for the Director to exercise authority to issue an Order to Cease and Desist as provided by R.I. Gen. Laws § 5-20.5-28.

V. **RECOMMENDATION**

THEREFORE, the Hearing Officer recommends that the Director Order that:

1. The Respondent is defaulted for his failure to appear or otherwise defend this administrative enforcement action;
2. Respondent is ordered to immediately cease and desist from engaging in any activity in the state of Rhode Island requiring licensure under R.I. Gen. Laws § 5-20.5-1 *et seq.*

DATED: 2/7/14



Jenna Algee, Esq.
Hearing Officer

ORDER

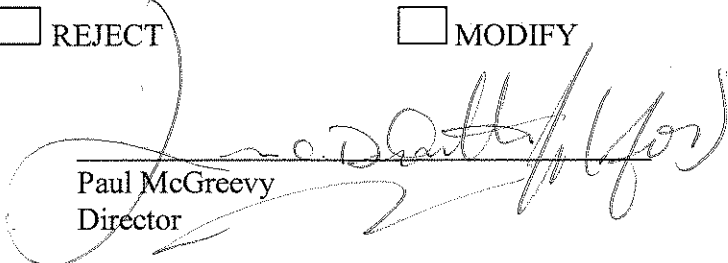
I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT

REJECT

MODIFY

Dated: 2/7/14



Paul McGreevy
Director

ENTERED as Administrative Order No. 14-05 on the 12th day of February 2014.

NOTICE OF APPELLATE RIGHTS

THIS DECISION AND ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

EXHIBIT A

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

IN THE MATTER OF: :
 :
JENNIFER BARNES, :
a/k/a JENNIFER CALORE, :
a/k/a JENNIFER SALVUCCI :
d/b/a NEW ENGLAND REAL ESTATE :
MANAGEMENT SERVICES, and :
RENT RHODE ISLAND, : DBR No.: 13RE112
 :
RESPONDENT. :

**ORDER TO SHOW CAUSE WHY CEASE AND DESIST
ORDER SHOULD NOT ISSUE, NOTICE OF HEARING
AND APPOINTMENT OF HEARING OFFICER**

Pursuant to R.I. Gen. Laws §§ 42-14-16, 42-35-9, and 5-20.5-28, the Director of the Department of Business Regulation (“Department”) hereby issues this Order to Show Cause Why Order to Cease and Desist Should Not Issue, Intent to Sanction License, Notice of Hearing, and Appointment of Hearing Officer (“Order”) to Jennifer Barnes (“Respondent”), requiring Respondent to appear before the Department and answer why the Director should not issue an order requiring Respondent to cease and desist from activities requiring licensure under R.I. Gen. Laws § 5-20.5-28 based on his unlicensed activities and to impose additional sanctions.

The Director issues this Order for the following reasons:

1. The Respondent does not now hold, and has never held a real estate brokers license issued by the Department.

2. The Respondent operates and advertises real estate for lease under the business name New England Real Estate Management Services and Rent Rhode Island.

3. A complaint filed with the Department on June 5, 2013 ("Complaint") established that the Respondent was engaging in property management services for real estate located in the Town of Narragansett, Rhode Island.

4. The Complaint alleged specifically that the Respondent had directly solicited the complainants to act as a property manager for real estate owned by them at 32 Calef Avenue, Narragansett, Rhode Island, and represented to them that she was "a licensed property manager in the State of Rhode Island."

5. Upon receipt of the Complaint, the Department conducted an investigation into the activities of the Respondent, and has determined that there is probable cause to believe that the Respondent is, in fact, engaging in activities requiring a broker's license, which she does not hold.

6. The Department has learned that a similar complaint was filed against the Respondent is pending with Rental Protection Agency by a consumer/renter who alleges that the Respondent wrongfully withheld the sum of \$810.45. The consumer has filed a complaint with the Small Claims Court for the return of same.

7. The Respondent set up a fundraising account online with an organization called "GoFundMe" seeking donations for her "tenants" on September 22, 2013.

8. Respondent has a "Linked In" account which identifies herself as a property manager and CEO of Rent Rhode Island.

9. Respondent is the Administrator for a Facebook page entitled “New England Real Estate Management Services” on which she posts advertisements for real estate rental properties. This account is linked to her personal page, entitled “Jennifer Barnes, Jennifer Salvucci.”

10. R.I. Gen. Laws § 5-20.5-1(4) defines “real estate broker” as any person or corporation who, for a fee, commission, or other valuable consideration, or who with the intention or expectation of receiving or collecting a fee, commission, or other valuable consideration, lists, sells, or purchases any real estate or who negotiates or attempts to negotiate any such activity.

11. R.I. Gen. Laws § 5-20.5-1(4) further defines “real estate broker” as any person or corporation who directs or assists in the procuring of a purchaser or prospect calculated or intended to result in a real estate transaction.

12. R.I. Gen. Laws § 5-20.5-17(b) provides that if a person received any money, or the equivalent, as a fee, commission, compensation, or profit by or in consequence of a violation of any provision of Chapter 20.5, he or she is liable to a penalty of not less than the amount of the sum of money received and not more than three (3) times the sum received, as may be determined by the court, which penalty may be recovered in any court of competent jurisdiction by any person aggrieved.

13. Section 12(A) of Commercial Licensing Regulation 11 – *Real Estate Brokers and Salespersons* provides that any person who performs any of the acts within the meaning of “real estate broker” pursuant to R.I. Gen. Laws § 5-20.5-1(4) in the regular course of, or as an incident to, the management of another person’s real property are required to be licensed as a real estate broker.

14. Based upon the foregoing, the Department has cause to believe that Respondent has engaged in unlicensed real estate brokering activities in violation of the licensing requirements of R.I. Gen. Laws § 5-20.5-1, *et seq.* as set forth herein, and has further violated the provisions of Section 12(A) of Commercial Licensing Regulation 11 – *Real Estate Brokers and Salespersons*.

15. The Department filed an Order to Show Cause Why Cease and Desist Order should not issue on September 16, 2013, ordering the Respondent to appear on October 18, 2013. She failed to appear on that date.

THEREFORE, pursuant to R.I. Gen. Laws §§ 5-20.5-28 and 42-6-8, the Director hereby orders the Respondent to appear before a Hearing Officer on

FEBRUARY 4, 2014 AT 10:00 am

at the Department's offices located at 1511 Pontiac Avenue, Bldg. 68-1, Cranston, Rhode Island 02920 pursuant to Section 6 of Central Management Regulation 2 – *Rules of Procedure for Administrative Hearings* ("CMR 2") to show cause why the Director should not issue an order requiring Respondent to cease and desist unlicensed practices pursuant to R.I. Gen. Laws § 5-20.5-28 and/or referring this matter for criminal prosecution to the Rhode Island Attorney General pursuant to R.I. Gen. Laws § 5-20.5-17.

If the Respondent again fails to appear, the Respondent shall be defaulted and an immediate Cease and Desist Order shall issue, and the Department will refer this matter to the Rhode Island Department of Attorney General for criminal prosecution against the Respondent.

The Director hereby appoints Jenna Algee, Esq., as Hearing Officer for the purpose of conducting the hearing and rendering a decision in this matter. The proceedings shall be conducted in conformity with R.I. Gen. Laws §§ 42-35-1, *et seq.*

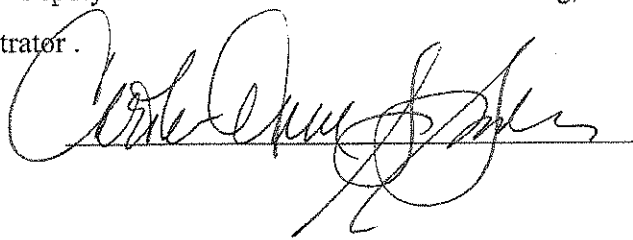
Dated this 14th day of January, 2014.


Paul McGreevy
Director

All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email directorofficeinquiry@dbi.state.ri.us at least three (3) business days prior to the hearing.

CERTIFICATION

I hereby certify on this 16th day of January 2014 that a copy of the within Order to Show Cause was sent by first class mail, postage prepaid, and also by certified mail, return receipt requested, to: Jennifer Calore/Barnes/Salvucci, New England Real Estate Management Services, 48 Highland Street, Pawtucket, Rhode Island 02860, and also at 350 Pawtucket Ave., Pawtucket, RI 02860; and by electronic mail in PDF format to the following parties at the Department of Business Regulation: Jenna Algee, Esq., Ellen Balasco, Esq., Maria D'Alessandro, Deputy Director of Commercial Licensing, and William DeLuca, Real Estate Administrator.



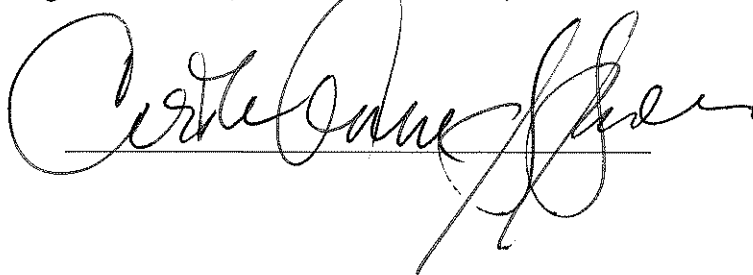
CERTIFICATION

I hereby certify that on this 27th day of February 2014, a true copy of this Decision and Order was sent by first class mail, postage prepaid to:

Jennifer Calore/Barnes/Salvucci
New England Real Estate Management Services
48 Highland Street
Pawtucket, RI 02860

Jennifer Calore/Barnes/Salvucci
New England Real Estate Management Services
350 Pawtucket Ave
Pawtucket, RI 02860

and by electronic mail in PDF format to the following parties at the Department of Business Regulation: Ellen Balasco, Esq., Jenna Algee, Esq., Maria D'Alessandro, Esq., Deputy Director, Securities, Commercial Licensing and Racing and Athletics, and William DeLuca, Real Estate Administrator.



A handwritten signature in black ink, appearing to read "William DeLuca", is written over a horizontal line. The signature is cursive and stylized.