

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RI 02920**

IN THE MATTER OF:

John S. Ciolli,

Respondent.

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DBR No.: 10-L-0026

**DEFAULT JUDGMENT REGARDING
DENIAL OF LICENSE APPLICATION**

The above-entitled matter came for a hearing on April 6, 2010 pursuant to the Department of Business Regulation's ("Department") Order to Show Cause Why License Application Should Not Be Denied, Notice of Pre-hearing Conference and Appointment of Hearing Officer ("Order to Show Cause") issued by the Department on February 23, 2010 to the above-captioned Respondent ("Respondent"). A pre-hearing conference was held on March 16, 2010 at which both the Department and Respondent appeared and at which a hearing date was set for April 6, 2010. On April 6, 2010, the Department appeared at hearing but the Respondent did not. The Respondent was notified of the hearing and had agreed to the hearing date at the pre-hearing conference. The Respondent did not appear at said April 6, 2010 hearing and failed to contact the undersigned or the Department's counsel.

At hearing, the Department's counsel requested that the undersigned make findings of facts on the basis of the Order to Show Cause and enter a default judgment against Respondent denying his real estate license application. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 5-20.5-1 *et seq.*

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Procedure in Administrative Hearings*, the Respondent is declared to be in default for failing to appear at the hearing.
2. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Practice and Procedure in Administrative Hearings*, the allegations in the Show Cause Order are found to be true.


Based on the forgoing, the undersigned makes the following conclusions of law:

1. The Respondent violated R.I. Gen. Laws § 5-20.5-14 as delineated in the Order to Show Cause and his real estate license application shall be denied.

On the basis of the forgoing, the undersigned makes the following recommendation:

1. That the Respondent's real estate license application is denied.

Entered this 16th day of April, 2010.


Catherine R. Warren
Hearing Officer

I have read the Hearing Officer's recommendation in this matter and I hereby ADOPT/REJECT the findings of facts, the conclusions of law, and recommendation of the hearing officer in the above entitled Final Order.

Dated: 04-19-2010


A. Michael Marques
Director

Entered as Administrative Order No. 10-L- 053 on this 19th day of April, 2010.

NOTICE OF APPELLATE RIGHTS

THIS 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.

CERTIFICATION

I hereby certify that on this 19th day of April, 2010, that a copy of the within Order was sent by first class mail, postage prepaid and by certified mail to –

Mr. John S. Ciolli
One Regency Plaza
Apt. 1101
Providence, RI 02903

and by electronic delivery to –

Ellen Balasco, Esquire
Maria D'Alessandro, Associate Director,
William DeLuca, Acting Administrator, Real Estate
Department of Business Regulation
Pastore Complex
1511 Pontiac Avenue
Cranston, RI.

A B Ellison