

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

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IN THE MATTER OF:

Brian Ornstedt,

Respondent.

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DBR No.: 10-L-0005

**DEFAULT JUDGMENT REGARDING**  
**CEASE AND DESIST ORDER**

The above-entitled matter came for pre-hearing conference on February 1, 2010 pursuant to the Department of Business Regulation's ("Department") Order to Show Cause, Notice of Hearing and Appointment of Hearing Officer ("Order to Show Cause") issued by the Department on January 13, 2010 to the above-captioned Respondent ("Respondent"). The Department forwarded the Order to Show Cause by first class and certified mail to the Respondent's most recent address on the record with the Department which was returned. The Respondent then forwarded the Order to Show Cause to the Respondent's forwarding address.<sup>1</sup> Neither was returned. The Respondent was notified of the pre-hearing conference. The Respondent did not appear at said February 1, 2010 pre-hearing conference 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 revoking his license ("License") as a Residential Appraiser. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 5-20.7-1 *et seq.*

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<sup>1</sup> It should be noted that R.I. Gen. Laws § 5-20.7-14(b) requires all licensed real estate appraisers to provide the Department with ten (10) days advance notice of any change in address.

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 pre-hearing conference.
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 foregoing, the undersigned makes the following conclusions of law:

1. The Respondent violated R.I. Gen. Laws § 5-20.7-20(1) and (2) as delineated in the Order to Show Cause and the License shall be revoked.

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

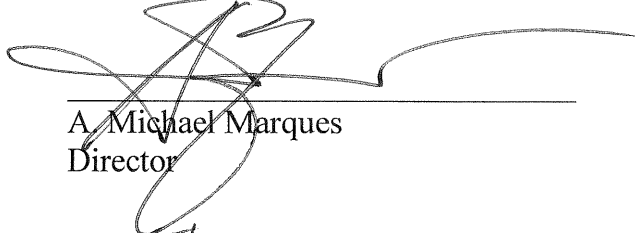
1. That the Respondent's License is revoked.

Entered this 9<sup>th</sup> day of February, 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: 02-11-2010

  
A. Michael Marques  
Director

Entered as Administrative Order No. 10-L-019 on this 11<sup>th</sup> day of February, 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 11<sup>th</sup> day of February, 2010, that a copy of the within Order was sent by first class mail, postage prepaid and by certified mail to –

Mr. Brian Ornstedt  
37 Revere Street, Apt. 6  
Boston, MA 02114

91 7108 2133 3934 8884 3911

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*