

**TATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDG. 68-1
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF	:	
	:	
SAMUEL HERNANDEZ,	:	DBR No. 15RE008
	:	
RESPONDENT.	:	
	:	

FINAL ORDER DENYING LICENSE APPLICATION

Pursuant to R.I. Gen. Laws § 41-4-9.1(c), the Director (“Director”) of the Rhode Island Department of Business Regulation (“Department”) hereby issues this Final Order (“Order”) denying the application of Ricardo Vicente (“Respondent”) for a real estate salesperson license.

I. FINDINGS OF FACT

1. Respondent submitted a real estate salesperson license application (“Application”) on October 1, 2014.

2. Respondent submitted with his application a certified copy of his criminal record or other disposition from the Bureau of Criminal Identification (“BCI”) of the Department of Attorney General as part of the application process.

3. The Respondent’s Criminal History Record showed that Respondent had pleaded nolo contendere to the following charges:

- a. a charge of first degree robbery, which carried a suspended sentence of fifteen (15) years incarceration on April 28, 1998;

- b. Five (5) arrest on criminal bench warrants between May of 2001 and September of 2012;
- c. A charge of disorderly conduct on June 9, 2001, for which he received a sentence of six (6) months suspended incarceration and probation.

4. Based on Respondent's prior criminal record, the Department had good cause to question whether Respondent is honest and trustworthy, and whether he possesses the requisite qualifications for licensure.

5. The Department's denial of the Respondent's license application was valid, based upon the provisions of R.I. Gen. Laws § 5-20.5-14(14).

6. On October 6, 2014, the Department sent notification by letter to the Respondent indicating its intention to deny his license application, setting forth the grounds for its decision as stated herein, and affording Respondent the opportunity to withdraw his application or to request a hearing. The Respondent failed to withdraw his application or respond in any manner to the letter sent to him by the Department.

7. On June 17, 2015, the Department served a Notice of Intent to Deny License Application and Provide Opportunity for Hearing ("Notice"), on the Respondent by certified mail, return receipt requested, and also by regular mail at his last known address on file with the Department, pursuant to the provisions of Section 9(B) of Central Management Regulation 2. That Notice advised the Respondent that he had twenty (20) days to request a hearing if he was contesting the denial of his application.

8. The Respondent did not request a hearing or contact the Department at any time after he was served with that Notice.

9. The Department has complied with the requirements of Sections 9 and 16 of Central Management Regulation 2, and R.I. Gen. Laws § 42-35-9 regarding notice in contested cases, and the Respondent was afforded an opportunity for a hearing after reasonable notice.

10. Based on Respondent's failure to request a hearing within twenty (20) days from the date of the Director's Notice, Respondent is hereby defaulted.

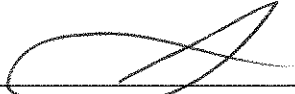
II. CONCLUSIONS OF LAW

1. There is sufficient cause under R.I. Gen. Laws § 5-20.5-14(14) to deny the Respondent's application for real estate salesperson license.

2. A default judgment against Respondent is appropriate given his failure to appear and/or defend this action pursuant to Section 21 of *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*.

Accordingly, it is hereby ORDERED that the Respondent is defaulted for his failure to request a hearing within the time proscribed by the Notice, and his license application for a real estate salesperson license is denied.

Dated: 7/8/15



Macky McCleary
Director

Entered as Administrative Order No. 15-29 on this 9th day of July, 2015.

THIS ORDER OF REVOCATION CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS ORDER. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW WITH THE COURT. RESPONDENT'S LICENSE SHALL BE REVOKED EFFECTIVE THE DATE OF THIS ORDER. NOTIFICATION OF THE REVOCATION MAY BE PUBLISHED IN THE PROVIDENCE JOURNAL.

CERTIFICATION

I hereby certify on this 9th day of ~~April~~ ^{July}, 2015, that a copy of the within Notice was sent by both first class mail, postage prepaid, to Samuel Hernandez, 52 Baldwin Street, Apt. 2, Pawtucket, RI, and by electronic mail to the following parties at the Department of Business Regulation: Ellen R. Balasco, Esq., Deputy Chief of Legal Services, William DeLuca, Real Estate Administrator, Maria D'Alessandro, Esq., Deputy Director of Commercial Licensing, Securities and Racing and Athletics.

