

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

---

<b>IN THE MATTER OF:</b>	:	
	:	
<b>ALDO MERLINO, JR.</b>	:	<b>DBR No. 10-L-0033</b>
	:	
<b>RESPONDENT.</b>	:	

---

**CONSENT AGREEMENT**

The Department of Business Regulation (“Department”) and Aldo Merlino, Jr. (“Respondent”) hereby consent and agree that:

1. Respondent is licensed as a broker to engage in the business of real estate, having been issued License No. B7303.

2. When the Respondent filed an electronic request for renewal of his license for the May 1, 2008 deadline, he made a positive affirmation certifying to the Department that he had attended and successfully completed the real estate continuing education courses required for the renewal of his license.

3. In July of 2009, the Department conducted a random audit of real estate broker and salesperson licensees who had renewed their licenses electronically for the renewal period beginning May 1, 2008 to insure licensee compliance with the continuing education requirements.

4. As a result of that random audit, the Department sent a letter to the Respondent on August 5, 2009 requesting that he forward certification for all continuing education courses he had completed from May 1, 2006 to April 30, 2008. The deadline for responding to the Department’s request was September 8, 2009.

5. The Respondent did not reply in any manner to the letter sent to him by the Department on August 5, 2009.

6. On January 7, 2010, the Department mailed a Second Request letter to the Respondent again requesting that the Respondent forward certification for all continuing education courses for the period from May 1, 2005 to April 30, 2008.

7. The Respondent reported to the Department that he did not receive either letter sent to him by the Department as described above.

8. The Respondent stated that he mistakenly believed he was not required to complete any continuing education for renewal due to his "grandfathered" status, as his license was first issued prior to December 12, 1984.

9. The Department has determined that the Respondent failed to complete the required continuing education credits necessary for the renewal of his broker's license for the 2008-2010 renewal period, specifically that he was required to take the new Agency course, and had failed to do so prior to his renewal.

10. Based on the foregoing, the Department has reason to believe that Respondent has technically violated R.I. Gen. Laws §§ 5-20.5-6, 5-20.5-14(a)(17) and Rule 29 of Commercial Licensing Regulation 11 *Real Estate Brokers and Salespersons* (as amended April 24, 2006).

11. Based on the foregoing, the Department has sufficient cause to initiate administrative proceedings to sanction Respondent's license via suspension or revocation pursuant to R.I. Gen. Laws § 5-20.5-15(a).

12. The Department finds that the Respondent's actions described herein were the result of a good faith mistake, and were not motivated by an intention to defraud or misrepresent his qualifications for licensing to the Department or to the general public.

13. Based on these mitigating factors, the Department agrees by the execution of this Consent Agreement to resolve this violation in the manner described herein.

14. By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent voluntarily waives his right to the administrative hearing process; voluntarily waives his right to appeal this Consent Agreement; admits that the allegations in paragraphs 1 through 12 are true; that he is willing to remedy this matter; and that he is

willing to take all necessary action as delineated in the following paragraphs of this Consent Agreement to allow Respondent to maintain his license in good-standing, and to renew his license for the next licensing period.


- A. Respondent shall pay an administrative penalty of \$100.00 on the date of execution of this Consent Agreement. Said payment shall be made in the form of money order or certified check payable to the General Treasurer, State of Rhode Island.
- B. Respondent shall enroll in and successfully complete the required course in Agency, and provide documentation to the Department of same, prior to August 15, 2010.

15. Respondent hereby acknowledges and agrees that failure to abide by any of the requirements of this Consent Agreement, including late or missed payments, shall result be grounds for the Department to initiate further administrative proceedings to impose penalties against Respondent including, but not limited to: (i) revocation and/or suspension of her license, and (ii) such additional administrative penalties that the Department deems appropriate.

**THE DEPARTMENT AND RESPONDENT HEREBY CONSENT AND AGREE TO THE FOREGOING AS TO FORM AND SUBSTANCE:**

Department of Business Regulation:

Respondent:

  
\_\_\_\_\_  
Ellen R. Balasco, Esq.  
Deputy Chief of Legal Services

  
\_\_\_\_\_  
Aldo Merlino, Jr.

Date: 5/13/10

Date: 05/06/2010