

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
233 RICHMOND STREET
PROVIDENCE, RI 02903**

IN THE MATTER OF:

GREGORY PLATT,

RESPONDENT.

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DBR No. 07-L-0275

FINAL ORDER

This matter came for a prehearing conference on March 6, 2008 pursuant to an Amended Order to Show Cause Why License Should Not be Revoked, Suspended or Administrative Penalty Imposed and Providing Notice of Departmental Hearing (“Order to Show Cause”) issued to Gregory Platt (“Respondent”) on February 18, 2008. Pursuant to R.I. Gen. Laws § 5-20.5-1 *et seq.*, Respondent holds a license (“License”) as a real estate broker. The Respondent did not appear at the prehearing conference.

On or about March 11, 2008, counsel for the Department filed a Motion for Judgment for Default on the basis of the Respondent’s non-appearance at the prehearing conference. Pursuant to Section 11 of the *Central Management Regulation 2 – Rules of Practice and Procedure in Administrative Hearings Before the Department of Business Regulation* (“CMR2”), the Respondent had ten (10) days to respond to said Motion. The Respondent has not filed an objection to said Motion.

Respondent received notice of the prehearing conference. See Exhibit K of Department’s Motion for Judgment by Default. Said notice was sent to his most recent address on record with the Department. See R.I. Gen. Laws § 5-20.5-7 and R.I. Gen. Laws § 5-20.5014(a)(1). The Department also forwarded said Motion to Respondent. The

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Respondent received adequate notice of the prehearing conference and of the Department's Motion.

At the prehearing conference, the Departmental counsel requested that the undersigned make findings of facts on the basis of the Order to Show Cause and filed the Motion for Judgment by Default in conjunction with that request and said Motion requested that the undersigned enter a default judgment against Respondent.

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 Practice and Procedure in Administrative Hearings Before the Department of Business Regulation*, 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 Before the Department of Business Regulation*, Respondent is declared to be in default for failing to respond to the Department's Motion for Judgment by Default.
3. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Practice and Procedure in Administrative Hearings Before the Department of Business Regulation*, the allegations in the Order to Show Cause are found to be true.
4. Pursuant to Section 21 of the *Central Management Regulation 2 – Rules of Practice and Procedure in Administrative Hearings Before the Department of Business Regulation*, the allegations in Motion for Judgment by Default are found to be true.


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

1. Respondent violated R.I. Gen. Laws §§ 5-20.5-14(a)(1), (15), (20) and Rules 20(A) and (B) of *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons* by (a) misrepresenting the quality and nature of the remodeling work on the house at issue in this matter on the Multiple Listing Service (“MLS”) listing; (b) failing to deal fairly with Complainant (who filed the complaint with the Department against Respondent) by providing a disclosure for that failed to disclose requisite information; (c) selling a house with building code deficiencies and no system suitability determination from the Department of Environmental Management; (d) demonstrating bad faith and incompetency by providing a disclosure form that indicated “unknown” on all items; and (e) demonstrating bad faith, dishonesty, and untrustworthiness by misrepresenting the true nature of the remodeling work completed on the house on the MLS listing.

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


1. Respondent’s License shall be revoked immediately.

Entered this 9th day of April, 2008.


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.

April 10, 2008



A. Michael Marques
Director

Entered as Administrative Order No. 08-L-082 on this 10th day of April, 2008.

NOTICE OF APPELLATE RIGHTS

THIS DECISION 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 on this 10th day of April, 2008 that a copy of the within Order was sent by first class mail, postage prepaid, and certified mail, return receipt requested to Mr. Mr. Gregory Platt, PO Box 261, 182 Shannock Hill Road, Shannock, RI 02875 and by hand-delivery to Valerie Voccio, Administrator – Real Estate, Department of Business Regulation, 233 Richmond Street, Providence, RI 02903 and to Michael P. Jolin, Esquire, Department of Business Regulation, 233 Richmond Street, Providence, RI.

