

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

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<b>IN THE MATTER OF</b>	:	
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<b>RITA DIORIO,</b>	:	<b>DBR No. 09-L-0160</b>
	:	
<b>RESPONDENT.</b>	:	

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**ORDER OF REVOCATION**

Pursuant to R.I. Gen. Laws §§ 5-20.5-1 *et seq.*, 42-14-16 and 42-35-14, the Director (“Director”) of the Rhode Island Department of Business Regulation (“Department”) hereby issues this Order of Revocation (“Order”) revoking Real Estate Broker License No. B14592 of Rita DiOrio (“Respondent”).

The Director issues this Order for the following reasons:

1. The Respondent was licensed as a real estate broker by the Department, and was the principal broker for Lifestyle Real Estate and Rentals (the “brokerage”).

2. On October 17, 2008, the Department received a complaint from Patricia Williams (“Complainant”) against Respondent arising from Respondent’s acts relative to a real estate leasing transaction for property located at 31 Claremont Avenue, Providence, Rhode Island (“subject property”).

3. The complaint alleges, and the Department has reason to believe, that Respondent has violated the provisions of R.I. Gen. Laws §§ 5-20.5-14(a)(1), (17), (20), 5-20.5-26(i), and Section 4, *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*, in connection with her representation of the Complainant, as

set forth in paragraphs 4 through 8 herein. Accordingly, the Department has sufficient cause to revoke Respondent's license pursuant to R.I. Gen. Laws § 5-20.5-14(a).

4. The Complainant alleges that Respondent, in her capacity as Principal Broker for Lifestyle Real Estate and Rentals, represented her in a leasing transaction.

5. In August, 2008, Respondent employed and/or otherwise enlisted the services of George Maron, who was not licensed as either a salesperson or a broker by the Department, but was acting on behalf of Respondent and the agency to transact property management services.

6. Maron, acting as an agent of the Respondent, received a cash payment of \$1,250.00 from a tenant as a security deposit for the rental of the subject property. Maron was, at all times pertinent hereto, acting within the scope of his employment with the agency.

7. Respondent and Maron wrongfully refused to transmit the security deposit monies to the Complainant, in violation of a verbal agreement between Respondent and Complainant that Complainant was to be the holder of said funds during the pendency of the lease agreement, and despite the demands by Complainant for same.

8. Respondent failed to deposit said security deposit funds into an escrow account, in violation of the provisions of R.I. Gen. Laws § 5-20.5-26 and Section 4, *Commercial Licensing Regulation 11*.

9. The Respondent has willfully failed to respond, answer or otherwise provide information requested by the director as the result of a formal complaint by not responding to the complaint and correspondence from the Department served upon her on November 19, 2008, in violation of R.I. Gen. Laws § 5-20.5-14(a)(17).

10. R.I. Gen. Laws § 5-20.5-14(a)(15) authorizes the Department to suspend or revoke a license if a licensee is found to have violated any rule or regulation promulgated by the commission or the department in the interest of the public and consistent with the provisions of this chapter.

11. On July 15, 2009, the Director issued a Notice of Intent to Revoke License (“Notice”) to Respondent, pursuant to R.I. Gen. Laws §§ 5-20.5-14, 42-14-14 and 42-35-9, which provided her twenty (20) days of the date of the Notice to file a request for a hearing setting out her answer to the grounds specified in the Notice with the Department.

12. The Notice further provided that, if Respondent failed to request a hearing within twenty (20) days of the date of the Notice, no hearing would be held and the Director could order the revocation of Respondent’s license or some other appropriate administrative penalty.

13. The Notice was sent by first class mail, postage prepaid, and certified mail, return receipt requested, to Respondent’s address on record with the Department. The certified mail copy was returned unopened to the Department, stamped as “unclaimed.” The copy sent by regular mail was not returned to the Department. The Department used Respondent’s most recent address on record with the Department for notice purposes, and as such, the Notice was properly served on Respondent.

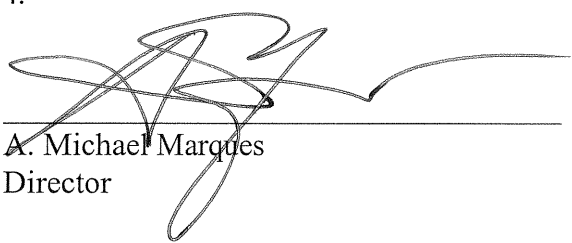
14. On July 29, 2009, the Department received by mail the Respondent’s original Real Estate Broker’s License and a handwritten letter from the Respondent stating that she had “closed her business (in) Sept. 08” and was surrendering her license to the Department. Respondent’s letter did not contain a request for a hearing. The return address confirmed that Respondent’s address on the previously sent Notice was correct.

15. The Respondent did not notify the Department, transfer her license to another brokerage or return her license to the Department within ten (10) days after dissolution of the brokerage, in violation of Section 11, *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*.

16. Respondent did not request a hearing within twenty (20) days as required in the Notice and R.I. Gen. Laws § 5-20.5-15(a).

THEREFORE, due to Respondent's violations as alleged above, her failure to respond to the Notice and the allegations contained therein, and her failure to request a hearing, the Director finds the Respondent has violated a directive of the Department and is in violation of R.I. Gen. Laws §§ 5-20.5-14(a)(1), (15), (17), (20), 5-20.5-26(i), and Section 4 and Section 11 *Commercial Licensing Regulation 11 – Real Estate Brokers and Salespersons*.

Accordingly, it is hereby ORDERED that Respondent's real estate broker license is revoked pursuant to R.I. Gen. Laws § 42-35-14.

  
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A. Michael Marques  
Director

Entered as an Administrative Order No. 09- 203 on this 14<sup>th</sup> day of August, 2009.

**THIS DECISION CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42 CHAPTER 35. AS SUCH, THIS DECISION 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 IN SAID COURT. RESPONDENT'S LICENSE SHALL BE REVOKED EFFECTIVE THE DATE OF THIS ORDER. NOTIFICATION OF SAID REVOCATION MAY BE PUBLISHED IN THE PROVIDENCE JOURNAL OR POSTED TO THE DEPARTMENT'S WEBSITE.**

Presented by:

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Department of Business Regulation  
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Cranston, Rhode Island 02920  
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**CERTIFICATION**

I hereby certify that on this 10<sup>th</sup> day of August, 2009, a copy of this Order was sent by first class mail postage prepaid and certified mail to:

Rita DiOrio  
1155 Douglas Avenue, Apt. 317  
North Providence, RI 02904

and by electronic mail to:

Maria D'Alessandro, Associate Director  
Department of Business Regulation

William DeLuca, Acting Real Estate Administrator  
Department of Business Regulation

