



State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
1511 Pontiac Avenue, Bldg. 69-1
Cranston, Rhode Island 02920

Division of Commercial Licensing and
Racing and Athletics

IN THE MATTER OF:

AARON NIEDZWIADK

RESPONDENT.

DBR No. 2015-38

The Department of Business Regulation ("Department") and Aaron Niedzwiadek ("Respondent") hereby consent and agree that:

Respondent is licensed as a real estate salesperson (License No. RES.0040361) by the Department to engage in the business of real estate, and was, at all times relevant hereto, acting under Principal Broker, Monalisa Aguiar for Reliable Realty Group located at 391 Mendon Road, Suite D, in the Town of Cumberland, Rhode Island. (the "Agency").

2. On August 25, 2014, Aaron Niedzwiadek entered into an exclusive listing agreement with Craig Charbonneau, ending on April 30, 2015, Aaron Niedzwiadek forwarded this information to his principal broker, Ms. Aguiar for review of the file and to be placed on the Multiple Listing Service (MLS).

3. Aaron Niedzwiadek did prepare two additional listing agreements with differing end dates at the direction of Mr. Charbonneau. One of these listing agreements was to facilitate the installation of a window at the Charbonneau's property by the installer.

4. Aaron Niedzwiadek, who is the nephew of Mr. Charboneau did have disagreements with how the property was being marketed. Aaron Niedzwiadek did write and send a text to several family members regarding his Uncle's conduct. In the text he detailed some of the issues he was experiencing with his Uncle, client, Mr. Charboneau.

5. Rhode Island General Law §5-20.5-14 (a) (21) states in part "Failing to have all listing agreements in writing, properly identifying the property and containing all the terms and conditions of the sale, including the commission to be paid, the signatures of all parties concerned, and a definite expiration date". Aaron Niedzwiadek improperly did prepare multiple listing agreements with differing ending dates without forwarding to his principal broker for updating into the MLS.

6. Rhode Island General Law §5-20.5-14 (a) (20) states that "Any conduct in a real estate transaction, which demonstrates bad faith, dishonesty, untrustworthiness or incompetence". Aaron Niedzwiadek did improperly share information concerning his client with family members demonstrating bad faith during the transaction.

7. BASED ON THE FOREGOING, the Department has reason to believe that Respondent violated Chapter 5-20.5 of the Rhode Island General Law as described previously herein. Accordingly, the Department has sufficient cause to assess an administrative penalty pursuant to R.I. Gen. Laws § 5-20.5-14(b).

In an effort to effect a timely and amicable resolution of the issues raised in this Consent Agreement without administrative hearing and to allow Respondent to maintain his license in good-standing, Respondent agrees to the following:

Upon execution of this Agreement, the Respondent shall pay an administrative penalty in the amount of \$500.00 to the Rhode Island General Treasurer, for creating multiple listing agreements and sharing information concerning his client with members of the public. The

total amount of the penalty shall be paid upon the execution of this Agreement.

By agreeing to resolve this matter through the execution of this Consent Agreement the Respondent voluntarily waives his right to the administrative hearing process, voluntarily waives his right to appeal any finding therefrom to the superior Court, and agrees to take all necessary action as delineated in this Consent Agreement to maintain his license in good standing.

The Respondent hereby acknowledges and agrees that failure to abide by any of the requirements of this Consent Agreement shall 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; and (ii) such additional administrative penalties that the Department deems appropriate, pursuant to R.I. Gen. Laws § 5-20.5-14.

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

Department of Business Regulation:

Respondent:



William DeLuca
Administrator Real Estate



Aaron Niedzwiadek

DATE: 1/4 1/16

DATE: 12/31 12015