

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDG. 68, 69
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF: :
:
:
Daniel Balkun, : **DBR No.: 17RA020**
:
:
Respondent. :
:

DECISION

I. INTRODUCTION

This matter arose pursuant to an Order to Show Cause why License Should not be Revoked, Notice of Pre-hearing Conference, and Appointment of Hearing Officer (“Order to Show Cause”) issued to Daniel Balkun (“Respondent”) by the Department of Business Regulation (“Department”) on July 28, 2017.¹ Pursuant to R.I. Gen. Laws § 27-2.4-1 *et seq.*, the Respondent holds an insurance producer license (“License”). A hearing was held on November 6 and 8, 2017. Both parties were represented by counsel and timely filed briefs by November 27, 2017.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant R.I. Gen. Laws § 27-2.4-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and 230-RICR-100-00-2 *Rules of Procedure for Administrative Hearing*.

III. ISSUES

The issues are whether the Respondent’s application for a waiver pursuant to 18 U.S.C. § 1033 should be granted and whether Respondent's License should be revoked.

¹ The Department filed a motion to amend Order to Show Cause on November 6, 2017 which was granted.

IV. MATERIAL FACTS AND TESTIMONY

The Department and Respondent stipulated to the following:

1. Respondent submitted his Individual Original Application (“Application”) for a license to produce insurance on February 10, 2016 to the National Insurance Producer Registry (“NIPR”). Joint Exhibit One (1).
2. Respondent admits that he did not upload documents to the NAIC/NIPR Attachments Warehouse when he submitted his Application.
3. Respondent was issued Insurance Producer license number 2328088 on February 25, 2016.
4. Respondent admits that he received communication from the Division on or about March 24, 2017 informing him that he had not submitted the necessary 18 U.S.C. § 1033 application for waiver and that he stated he did not have approval from the Superintendent of Insurance to produce insurance.
5. Respondent admits that on or about April 18, 2017, he received an e-mail communication from the Division informing him that his license was issued in error, and requesting both the completed 18 U.S.C. § 1033 application and the official federal documents explaining his federal conviction.
6. Respondent admits that he submitted to the Division his *Short Form Application for Written Consent to Produce Insurance Pursuant to 18 U.S.C. § 1033 and 1034* on May 16, 2017. Joint Exhibit Three (3).
7. Respondent admits that along with his *Short Form Application for Written Consent to Produce Insurance Pursuant to 18 U.S.C. § 1033 and 1034*, he also submitted letters of recommendation and the certified criminal file from *United States of America v. Daniel Sebastian Balkun*, CR-S-99-357-RLH (LRL), which included the Indictment (Joint Exhibit Four (4)), the Plea Memorandum (Joint Exhibit Five (5)), and the Judgment (Joint Exhibit Six (6)).
8. Respondent admits that he pled to and was convicted of the crime of Money Laundering in *United States of America v. Daniel Sebastian Balkun*, CR-S-99-357-RLH (LRL).
9. Respondent admits that Money Laundering, as described in Count 74 of *United States of America v. Daniel Sebastian Balkun*, CR-S-99-357-RLH (LRL), is a felony.
10. Respondent admits that Money Laundering, as described in Count 74 of *United States of America v. Daniel Sebastian Balkun*, CR-S-99-357-RLH (LRL) involves dishonesty and breach of trust.
11. Respondent was sent and received notice of both the denial of his 18 U.S.C. §1033 application and revocation of his License in a letter from the Division dated July 5, 2017. Joint Exhibit Seven (7).

David Borelli (“Borelli”) testified on behalf of the Respondent. He testified that he is a retired probation officer for the United States. He testified that the Respondent’s case was transferred to Rhode Island and he was the Respondent’s probation officer in Rhode Island. He testified that the Respondent stood out because of his honesty and he was able to reconnect with his child after he was in prison. He testified that the Respondent was embarrassed by his past and worked on getting better. On cross-examination, he testified that he supervised the Respondent’s release from 2004 to 2007, and he supervised about 60 to 70 people at this time. He testified that the Respondent was ordered to pay restitution. See Joint Exhibit Eight (8). He testified that the Respondent had three (3) different jobs after his release. He testified that when he was supervising him, he would speak with the employer, check records, and check financials about once per month, and the Respondent would provide him progress reports. He testified that since the end of the supervised leave, he has kept in touch with the Respondent. On redirect, he testified that when the Respondent was on probation, he had been ordered to pay as restitution 10% of his gross salary which he paid.

The Respondent testified on his behalf. He testified that he grew up in Rhode Island, and after he graduated high school in 1989, he worked at the Department of Corrections from 1989 to 1996. He testified that he learned about a job opportunity in Las Vegas and left Corrections to take the job. He testified that he was 25 years old when he moved to Las Vegas and worked as a telemarketer selling gambling tips and it was his understanding that the company was expanding and he was not told that the company was doing anything illegal. He testified that about four (4) months working there fielding phone calls, he overheard a conversation which indicated to him that what he thought was to be a legitimate expansion, was not legitimate. He testified that the illegal side was providing tips for races that had already run and he ended up working in the illegal side. He testified that he knew it was not legal and not right. He testified that, in terms of crossing over to do illegal side, it was very stupid, and to this day, he does not know why he did. He testified that he could have

left when he found out it was illegal, but did not and it turned out that the company was under investigation from the FBI before he even arrived. He testified that after the FBI raided the company, he moved back to Rhode Island. He testified that he had been working for the company for one (1) year at the time of the raid. He testified that he thinks he was responsible for about 5% of the restitution, but that he did 100% wrong. He testified he moved back to Rhode Island prior to his indictment, and he was indicted in 1999, and he pled guilty in January 2001. He testified that he was incarcerated for 42 months. He testified that he worked at the Automated Business Machine company as a sales representative from the time he returned from Las Vegas to the time he went to jail.

The Respondent testified that he worked at a company that stole money for one (1) year. He testified that it is very embarrassing for the victims and they trusted him. He testified that he thought he had it all figured out and being jailed was a just penance. He testified that he is embarrassed that he filled out the application wrong. He testified that his company employs eight (8) people.

The Respondent testified that he completed his application in NIPR and answered the question about the felony conviction in the affirmative. He testified that he did not upload the documents as requested. He testified that he was employed at Germani Title company at time of the application which knew about his felony conviction and provided some recommendations. He testified that he believes in the justice system and he did hurt people. He testified that he completed his sentence. He testified that he paid \$100 monthly while in jail for restitution and during his supervised release, he paid 10% of his gross income. He testified that once a criminal case is closed, there are no more payments and it is his understanding that he could be civilly sued, but he has not been. He testified that he is jointly liable with his co-defendants for restitution.

The Respondent testified for title insurance, he is not knocking on doors to sell insurance, but rather is there for the closing. He testified it is not like sales where one would talk about services that could be provided, but rather customers are told they need title insurance for the loan and the

insurance is provided at closing. He testified that he is an authorized agent for WFG National Title which reviews the title, place, and bank statement and audits his business annually and performs a reconciliation, and reviews disbursements. See Respondent's Exhibit One (1) (audit letter). He testified he applied for the License in February, 2016 and opened in June, 2016 and has not had any complaints. He testified that he would not mind a conditional License if the Department wanted to provide oversight or probation to ensure he was in compliance.

On cross-examination, the Respondent testified that once he left jail, he was on supervised release, and he worked at Gold's Gym. See Joint Exhibit Five (5) (letter of recommendation). He testified that he answered "yes" on the application about the felony conviction. He testified that he answered "N/A" for question "1B1" which asks that if an applicant has a felony conviction for dishonesty whether the applicant applied for § 1033 waiver. He testified that he does not remember writing "N/A," but "no" would be the right answer. He testified that he did not upload the documents and it was not until the Department contacted him that he realized he had not. He testified that he thought that the opportunity in Las Vegas seemed exciting and it would be an opportunity for the company to grow. He testified that he worked for the legal part of the company for about four (4) to five (5) months and the illegal part about six (6) or seven (7) months. He testified that the restitution obligation still exists. He testified that some of his employees are full time and some are by contract. He testified that he is an agent for WFG and has a full-time bookkeeper. He testified that the company handles about \$10-\$12 million a month with about 50 closings a month. He testified that his accountant reviews the transactions.

Glenn Michael Johnson testified on behalf of the Respondent. He testified that he is a CPA at Ernst & Young and has been a friend of Respondent's for 30 years. See Joint Exhibit Five (5) (his recommendation). He testified that he knew about the Respondent's criminal conviction and the Respondent is working to overcome it and has been rehabilitated. On cross-examination, he testified

that he found out about the Respondent's conviction once the Respondent was in jail. He testified that he had not seen the Respondent when he moved to Las Vegas, but he did visit him three (3) times when he was in jail. He testified that he has had no professional dealings with the Respondent. On redirect, he testified that he would have no reason to have professional dealings with the Respondent, but would not mind if he did.

Dennis Byrne testified on behalf of the Respondent. See Joint Exhibit Five (5) (his recommendation). He testified that he has known the Respondent since 1982 when they met at age 11. He testified that he has bought and sold ten (10) houses with the Respondent. He testified that he has no investments with him, but would have no problem having investments with him. He testified that the Respondent called him when he was indicted. He testified that the Respondent accepted responsibility and did not hide from it. On cross-examination, he testified that he visited the Respondent in Las Vegas and felt he went there because he was trying to be entrepreneurial.

Rachel Chester, Principal Insurance Analyst, testified on behalf of the Department. She testified that when a § 1033 application is submitted, she reviews it, and using the "Stanton"² criteria makes a recommendation to Elizabeth Dwyer, the Superintendent of Insurance. She testified that she was contacted about the Respondent's License and when she looked it up, she saw he answered "yes" to the felony question and there were no attachments. She testified that she spoke to the Respondent and asked him to provide his conviction information. She testified that she recommended the denial of the § 1033 waiver application because of the issue of handling people's money. She testified that in her five (5) years at the Department, she has received approximately 30 waiver requests. On cross-examination, she testified that the Respondent was very responsive in terms of filing the documents when asked. She testified that she believed the nature of the crime

² See below.

outweighed the other factors in terms of issuing a waiver regardless of the rehabilitation. On redirect, she testified that she receives about 375 complaints against insurance licensees a year, but only has received one title insurance complaint in five (5) years but people are less likely to complain about title insurance because people would not necessarily find out something was wrong.

Elizabeth Dwyer, Deputy Director and Superintendent of Insurance, testified on behalf of the Department. She testified that Department receives approximately ten (10) to twelve applications a year for § 1033 waivers. She testified that the seriousness of the Respondent's crime outweighed the good recommendations and it is necessary to protect consumers who need to be able to trust insurance producers. On cross-examination, she testified that nature of the crime was the deciding factor in that it was a serious breach of trust and it was almost impossible for the other factors to outweigh the crime. She testified that there have been no complaints about the Respondent in the last 18 months, but that the nature of the crime related to the handling of money. She testified that if an independent CPA audited the firm that would help alleviate concern, but not all concerns. She testified that the Respondent is still marketing title insurance; though, there are less sales involved in title insurance because it is required for transactions. She testified that § 1033 left it to the states to decide waivers.³

The parties agreed that a lender requires purchase of title insurance for the purchase of property by the buyer to protect against any title problem. A person may also decide to buy title insurance to protect against any title issues. The parties agreed that at closing, money is disbursed based on the HUD statement and that the Respondent would be responsible for such disbursements.

³ The National Associate of Insurance Commissioners has issued *Guidelines for State Insurance Regulators to the Violent Crime Control and Law Enforcement Act of 1994: 18 U.S.C. §§ 1033-1034* (2011) which speaks of the granting of § 1033 consent being on a case-by-case by basis for a state and that considerations when making such a decision should include the severity of the conviction, date of conviction, relation of the crime to business of insurance, whether the applicant completed his or her sentence/probation, recommendations, subsequent business and personal record after conviction, and whether the applicant made any false statements on the application. As discussed below, these are the same type of factors that the Department considers in such applications.

V. DISCUSSION

A. **Legislative Intent**

The Rhode Island Supreme Court has consistently held that it effectuates legislative intent by examining a statute in its entirety and giving words their plain and ordinary meaning. *In re Falstaff Brewing Corp.*, 637 A.2d 1047 (R.I. 1994). If a statute is clear and unambiguous, “the Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.” *Oliveira v. Lombardi*, 794 A.2d 453, 457 (R.I. 2002) (citation omitted). The Supreme Court has also established that it will not interpret legislative enactments in a manner that renders them nugatory or that would produce an unreasonable result. See *Defenders of Animals v. DEM*, 553 A.2d 541 (R.I. 1989) (citation omitted). In cases where a statute may contain ambiguous language, the Rhode Island Supreme Court has consistently held that the legislative intent must be considered. *Providence Journal Co. v. Rodgers*, 711 A.2d 1131, 1134 (R.I. 1998).

B. **Standard of Review for an Administrative Hearing**

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, the initial burdens of production and persuasion rest with the moving party. 2 Richard J. Pierce, *Administrative Law Treatise* § 10.7 (2002). Unless otherwise specified, a preponderance of the evidence is generally required in order to prevail. *Id.* See *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 130, 134 (R.I. 1989) (preponderance standard is the “normal” standard in civil cases). This means that for each element to be proven, the fact-finder must believe that the facts asserted by the proponent are more probably true than false. *Id.* When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. *Narragansett Electric Co. v. Carbone*, 898 A.2d 87 (R.I. 2006).

C. Statute

The statutory basis for the Department's request for revocation of the License and denial of the 18 U.S.C. § 1033 is R.I. Gen. Laws § 27-2.4-14(a) (1), (2), and (6) which states as follows:

Licenses - Denial - Nonrenewal – Suspension or revocation. (a) The insurance commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy an administrative penalty in accordance with § 42-14-16 or any combination of actions, for any one or more of the following causes:

- (1) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
- (2) Violating any insurance laws, or violating any regulation, subpoena or order of the insurance commissioner or of another state's insurance commissioner;
- ***
- (6) Having been convicted of a felony.

Further, 18 U.S.C. § 1033 bars individuals who have "been convicted of any criminal felony involving dishonesty or a breach of trust," from engaging in or participating in the business of insurance without the written consent of the Insurance Commissioner. Therefore, any insurance license applicant must get Departmental approval under the state and federal statutes.

D. Arguments

The Department argued that the Respondent was convicted of the Federal crime of money laundering and received a severe sentence of 46 months and his explanation of why he committed this crime was vague. The Department argued that the Respondent's felony conviction is related to the type of license that he seeks in that he was convicted of money laundering – concealing the source of illegal money – and now seeks a license where he handles large sums of money. The Department argued that the Respondent had not satisfied the restitution ordered against him in the Federal conviction. The Department argued that while the Respondent has experience for this type of license that is due to erroneous licensing and he currently supervises himself.

The Respondent argued that the issuance of title insurance is tightly controlled by the title

insurance company and is part of the real estate conveyancing transaction. The Respondent argued that he committed the serious crime approximately 20 years ago and has not tried to excuse that action, but has accepted responsibility and has been a model citizen since his release from prison. The Respondent argued that the restitution order made all criminal co-defendants jointly and severally liable and if the Federal government contacts him about unpaid restitution, he would enter into a payment plan to satisfy any remaining obligations, but he made all required payments while in prison and on probation. The Respondent argued that he has been rehabilitated and has been working in this field and is willing to be supervised.

E. The Stanton Criteria

The Department has developed a fact-finding framework for determining whether persons with criminal conviction histories should be permitted in the business of insurance in Rhode Island. *In the Matter of Alina Ciman*, DBR No. 06-I-0206 (6/5/07). In terms of § 1033 applications, *Ciman* adopted the criteria to be used in evaluation applicants with felony convictions as set forth *In the Matter of William J. Stanton*. These are as follows: the (1) "nature and circumstances of the misconduct," (2) "subsequent conduct and reformation," (3) "present character," and (4) "present qualifications." *In the Matter of William J. Stanton*, DBR No. 98-1-0035 (12/15/98). See also *Christopher Maselli*, DBR No. 14IN002 (7/29/14) (denying an applicant a § 1033 waiver).

a. Nature and Circumstances of Applicant's Misconduct

Under "nature and circumstances," the Department considers "(i) when the misconduct took place; (ii) whether the misconduct was a misdemeanor or a felony; (iii) the type of sentence imposed; (iv) the age of the applicant at the time of the misconduct; (v) the reason(s) given by the applicant for committing the misconduct and the applicant's acknowledgment of responsibility for the crime(s); and (vi) whether the misconduct relates to the license for which the applicant has applied." *Stanton, Id.*

The parties do not dispute that the Respondent's felony conviction constitutes a breach of trust and dishonesty. His conduct involved serious criminal wrong-doing. The illegal activity for which the Respondent pled to occurred between 1996 and 1997. See Joint Exhibit Seven (7) (indictment). The Respondent pled guilty to a felony and was sentenced to 46 months serving 42 months and to supervised release for three (3) years as well as being jointly and severally liable for restitution. The Respondent paid the restitution order while in prison and on release. He is no longer on supervised release and his probation officer testified on his behalf that he had worked to overcome his past.

In *Masselli*, the applicant for a R.I. Gen. Laws § 1033 waiver had pled guilty to bank fraud with the bank fraud only taking place four (4) years prior to the § 1033 waiver application. That decision found that the applicant was a skilled residential real estate attorney who manipulated the loan application process to benefit himself. In reviewing when the Department has granted applications to felons, the decision found that applications have been granted to felons where the applicant committed the crime when young or the crimes took place in the distant past. See *Ciman* and *In the Matter of Lynn Holston*, DBR No. 09-I-0179 at 9 (4/30/10).

In this matter, the Respondent was 25 years old at the time of his illegal activity over 20 years ago. He has taken responsibility for his actions. However, his conviction for money laundering relates to money-handling and under his current license, he handles millions of dollars in business a month.

b. Subsequent Conduct and Reformation/Present Character

Under "subsequent conduct and reformation" and "present character," the Department considers "(i) whether the applicant has completed his/her criminal sentence or administrative sanction; (ii) whether the applicant has acknowledged his/her wrongdoing and expressed contriteness or remorse and the facts which support such acknowledgement; (iii) whether the

applicant has settled his/her financial and/or other obligations arising from the misconduct and taken responsibility for his/her misconduct; and (iv) whether the applicant has favorable recommendations from people (other than family members) aware of his/her past misconduct attesting to his/her current good character." *Stanton, Id.*

The Respondent has favorable recommendations (approximately 12) from business associates (attorneys, certified public accountants, insurance professionals) some who noted in their letters knowing of his past felony conviction. His long-term friends and probation officer testified about the Respondent's conviction and his actions to rebuild his life after his conviction. The recommendation letters spoke to the fact that the Respondent has been continually employed without issue. The Respondent completed his jail sentence and then his supervised release in 2007. The Respondent acknowledged responsibility for the crime. While there may still be a restitution order applicable to the Respondent (and others), the Respondent paid restitution as required by Court order. No other attempts to obtain payment have been made by the Federal government. In *Masselli*, the applicant failed to demonstrate full responsibility for his actions and blamed others for his conviction and was still on probation at the time of his application.

c. Present Qualifications

Under "present qualifications," the Department considers "whether the applicant is currently employed in the industry by another licensee; (ii) whether a current licensee has expressed a willingness to sponsor the applicant; and (iii) whether the applicant is willing to accept a probationary or temporary license." *Stanton, Id.*

Because the License was issued in error, the Respondent has been operating his own business for over one (1) year without any issue. He indicated a willingness to accept a conditional license. Unlike a real estate salesperson who is supervised by a real estate broker or an insurance

producer who may be employed by an insurance firm, the Respondent is running his own firm which makes supervision more difficult. The testimony at hearing was that if an independent CPA firm audited the Respondent's company that could alleviate some of the Department's concerns.

F. Whether the Respondent Should be Licensed

Stanton held that these four (4) factors are not to be given equal weight in determining whether to deny an application. Instead, a combination of these factors provides guidance for deciding whether to grant or deny a license.

The Respondent committed a very serious crime involving handling money. However, the crime took place over 20 years ago and since his incarceration, the Respondent has been a productive member of society and worked to better himself. He did not lie on his application that he was convicted of a felony. He failed to upload the documents about the felony conviction, but he did not conceal the conviction. He took responsibility for his actions even admitting that he had no idea why he engaged in such illegal activity. He did not blame others and did not seek to excuse his behavior. Since his conviction, he has worked to overcome that serious stain on his past. He currently owns his own business and presented extensive testimony and evidence as to rehabilitation. The Respondent has been operating his own title insurance business for over one (1) year without issue.

Based on the *Stanton* criteria, the Respondent has demonstrated that he has met the criteria for licensing and a § 1033 waiver subject to the recommended conditions enumerated below in the Recommendation section.

VI. FINDINGS OF FACT

1. This matter arose pursuant to an Order to Show Cause issued to the Respondent by the Department on July 28, 2017.
2. Pursuant to R.I. Gen. Laws § 27-2.4-1 *et seq.*, the Respondent holds an insurance producer license.

3. A hearing was held on November 6 and 8, 2017 with briefs being timely filed by November 27, 2017

4. All other facts stated in Sections IV and V are fully incorporated herein as findings of fact.

VII. CONCLUSIONS OF LAW

1. The Department has jurisdiction over this matter pursuant to R.I. Gen. Laws § 27-2.4-1 *et seq.*, R.I. Gen. Laws § 42-14-1 *et seq.*, and R.I. Gen. Laws § 42-35-1 *et seq.*

2. There exists a sufficient basis for the conditional continuation of Respondent's License pursuant to R.I. Gen. Laws § 27-2.4-1 *et seq.* and for the granting of a waiver pursuant to § 1033.

3. However, given the Respondent's conduct and the statutory requirements of R.I. Gen. Laws § 27-2.4-1 *et seq.* and the requirements of a § 1033 waiver, it is necessary to provide certain conditions on his License.

VIII. RECOMMENDATION

Based on the above analysis, the Hearing Officer recommends that Respondent's continuing licensure and § 1033 waiver be conditioned upon the following:

1. The Respondent holds an insurance producer license for title insurance⁴ and is employed in title insurance so that this conditional licensing and grant of § 1033 waiver shall only apply to this type of license and work in title insurance.

2. If the Respondent proposes to sell his company, change insurance jobs, or work for another company, etc., he shall notify the Department within ten (10) days of the proposed action

⁴ See Department's website licensing information at <https://sbs.naic.org/solar-external/lookup/lookup/licensee/summary/2328088?jurisdiction=RI&entityType=IND&licenseType=TLE>.


and the Department may take any administrative action (e.g. changing conditions of License) that it deems necessary subject to a hearing request if the parties cannot agree on any continuing conditions.

3. The Respondent shall engage an independent certified public accountant at his expense to review his company's financial records on a quarterly basis for the period of two (2) years after this decision is signed. Assuming the records are in order after two (2) years, the financial report shall be twice a year for the next two (2) years. The scope of review will be approved by the Department in advance, but such approval shall not be unreasonably withheld. Copies of the financial report shall be sent to the Division of Insurance at the Department within ten (10) days of the issuance of the report. The Department make take any action deemed suitable based on said reports.

4. The Respondent shall forward to the Department on a monthly basis for four (4) years the name and address of title insurance companies for which it acts as an agent.

5. The Respondent may petition the Department to end any of the conditions prior to four (4) years. The Respondent and the Department may agree to ending such supervision or parts of the supervision earlier if the Department believes it is warranted.


Date: January 22, 2018


Catherine R. Warren
Hearing Officer

ORDER

I have read the Hearing Officer's Decision and Recommendation in this matter, and I hereby take the following action with regard to the Decision and Recommendation:

ADOPT
 REJECT
 MODIFY


Elizabeth M. Tanner, Esquire
Director

Dated: 1/25/18

NOTICE OF APPELLATE RIGHTS

THIS ORDER 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 that on this 24 day of January, 2018, that a copy of the within decision was sent by first class mail, postage prepaid to Robert A. D'Amico, II, Esquire, D'Amico & Burchfield, LLP, 536 Atwells Avenue, Providence, RI 02909 and by electronic delivery to Sara Tindall-Woodman, Esquire, Sara Tindall-Woodman, and Elizabeth Kelleher Dwyer, Deputy Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, RI.