



From the Director's Desk Real Estate Brokerage Advertising Rule Update

Carol J. Leighton

In the Winter 2007 edition of this column, I reported that Commission staff had responded to a significant increase in the number of inquiries regarding problem real estate brokerage advertising. This same article included a summary of Chapter 410, section 1 (1-7), the "advertising rule," tips to avoid problems and examples of what not to do. A copy of the advertising rule and the Winter 2007 edition is posted on the Commission's homepage found at www.maine.gov/professionallicensing

So, has the number of reported advertising problems decreased? Unfortunately, the answer is no.

Since the article appeared in the newsletter, Commission staff is still routinely receiving (most often anonymous) copies of non-compliant advertisements. Upon receipt of the advertisement, the staff has been notifying the designated broker of the non-compliant advertisement and reminding the designated broker of the advertising rule. This procedure of notifying the designated broker of a problem advertisement will soon be changing. At the July 19, 2007 meeting, the Real Estate Commission discussed the ongoing problems with non-compliant brokerage advertisements and recommended that licensees be reminded of the advertising rule by publication of this article. Further, that at some point after the newsletter has been distributed to licensees, the Commission staff, upon receipt of a non-compliant advertisement, will open a complaint against the designated broker (or other licensee, if appropriate). Disciplinary sanctions may be imposed if the brokerage advertisement is found to be in violation of the advertising rule.

How can you avoid having a complaint filed for an alleged non-compliant advertisement? A good start would be to read the Winter 2007 article as noted above. In addition, real estate licensees should carefully review the advertising rule and confirm that all advertising formats (direct mail, the Internet, newspapers, magazines, business cards, "for sale" signs, etc.) are currently in compliance with the rule. Each real estate company should develop and disseminate to affiliated licensees a company advertising policy to ensure ongoing compliance with the rule.

Not all advertising problems are the result of a licensee failing to comply with the rule. Sometimes a newspaper copy editor, for example, edits the ad copy from what was originally submitted by the real estate company. These types of errors by others cannot be prevented by the real estate company. Just as importantly, however, newspaper copy editors, website developers, printers and others who provide advertising services to real estate licensees are not expected to know the real estate brokerage advertising rules and licensees must not rely on others for compliance with the rule.

Real Estate Commission Website has been Redesigned!

Have you visited our website lately? You can view your license status, download forms, follow links to rules and statutes, see upcoming CE schedules, read Commission meeting minutes and more! Information is at your fingertips 24 hours a day.

www.maine.gov/professionallicensing

Most Commonly Reported Consumer Complaints

“They won’t release me from my contract”

“He said he would ‘tear up the contract’ if we were unhappy. When we told him we were unhappy and wanted to be released from the contract he refused to release us.”

Typically, the consumer reports that the “tear up the contact” statement is made after the listing agreement or buyer representation agreement has been signed. When the request for the release is made it becomes a “he said - she said” situation. Or does it? Licensees are reminded that all brokerage agreements between a real estate company and a client must be in writing and, at a minimum, include 4 provisions (32 M.R.S.A. §13177-A):

1. The signature of the client to be charged;
2. **The terms and conditions of the brokerage service to be provided;** (emphasis added)
3. The method or amount of compensation to be paid; and
4. The date upon which the agreement with expire.

Agreeing to release the client if the client is “unhappy” with the services provided is a term and condition of the brokerage services to be provided and must be included in the written brokerage agreement. It is not the responsibility of the client to know what terms and conditions must be in the brokerage agreement - it is the licensee’s responsibility.

Most often the licensee in this situation reports that the client “misunderstood” what he said regarding a release. There lies the problem. The licensee is expected to comply with §13177-A, which means the terms regarding the conditions of the release must be in the written agreement.

“The broker I was working with has gone to another company and her former company will not release my contract.”

This type of complaint predates the adoption of “appointed agent” as a legally defined real estate brokerage agency relationship in 1993. Most often in this situation, the client has a close relationship with the ‘broker’ and contracted for brokerage services because of the relationship. If the ‘broker’ was the sole appointed agent, the designated broker must appoint a new licensee as the appointed agent and the client may or may not consent to the appointment. If the client does not consent to the appointment, the designated broker must determine how the company will represent the client consistent with the company’s agency relationship policy.

As discussed in response to the first scenario - if the designated broker agrees to release the client if the ‘broker’ leaves the company, this condition of agreement for services must be in the written brokerage agreement. In addition, it is incumbent on the ‘broker’ who lists the property or is to provide buyer representation services to explain to the client that the listing or buyer representation agreement establishes a contractual relationship between the real estate company and the client.

“My broker won’t return my calls and I want to list with another company.”

Several national studies have shown that the #1 reason for client dissatisfaction with real estate licensees is the failure to communicate. Too often, licensees assume that if they do not have ‘good news,’ such as a scheduled showing to report, it is better to not communicate with the client. Not so.

The best practice is to establish how and what you will communicate to the client at the very beginning of the relationship. Failure to have an agreement on communication issues from the beginning of the relationship may result in false expectations and dissatisfaction.

Although, most calls of this nature are in the ‘failure to communicate’ to the client’s expectations category, a few are actually abandonment by the broker. For reasons that are not clear, the broker simply ‘walks away’ from the listing but does not notify the client or release the client from the contract. Abandonment may be a basis for the termination of the contract and may also be grounds for discipline by the Commission.

On-Line Renewal Information

You will no longer receive paper renewal forms in the mail from the Real Estate Commission. Instead, the month before your license expiration date you will receive a reminder that your license is expiring soon. The notice will include information about how to renew on line.

To renew your license on-line, visit the Commission’s website at www.maine.gov/professionallicensing and click on the “renew a license” link in the right hand column. As an individual licensee, you may verify your identity with EITHER the last 4 digits of your social security number OR by using the access code that was mailed to you in May. Agencies must use their access code to renew.

PLEASE NOTE: License numbers all begin with two letters. Inactive individual license numbers (IB or IA) and individual proprietorship license numbers (AI) include the letter I in the prefix, not the number 1. Entering the number 1 instead of the letter I will stump the system and result in an error message.

REMEMBER TO RENEW ON TIME! If you let your license expire, you are not authorized to practice real estate in Maine, you cannot renew online after its expiration date, AND you are subject to a \$50 late fee. Save yourself a lot of aggravation (and \$50) by renewing before your license expires.

Current Cases

Karen L. Bivins, Deputy Director

This is the last issue of the newsletter that will include synopses of disciplinary actions taken by the Commission. The Office of Licensing and Registration, of which the Commission is a part, now includes on its website disciplinary actions for the various boards. Beginning with January 2007 cases, the actual disciplinary documents are available for viewing as PDF files.

You can view those documents using the links found on the site at www.maine.gov/professionallicensing. Therefore, future issues of the newsletter will include the names of licensees who are subject to disciplinary action along with date and the type of documents, whether a Commission order or a consent agreement.

On December 14, 2006 the members of the Commission ratified their decisions reached after hearings involving the following licensees:

1. William G. MacFarlane of Portland, Maine. MacFarlane is a designated broker who failed to comply with the continuing education requirement for renewal of his license.

As part of his license renewal application, MacFarlane certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he had not completed the required core course.

MacFarlane was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(3). He was ordered to pay a fine of \$800.00 and to complete the core course.

2. Francois J. Rodrigue of Waterville, Maine. Rodrigue is a broker who failed to protect the interests of his client.

Rodrigue listed for sale property which he knew had to be a valid nonconforming use under the town zoning ordinances in order to be used as a residential property. He knew that nobody had resided at the property for two years, but he did not take any steps to verify with the town whether the property was considered a valid nonconforming use. He then advertised the property as a two family residence which was zoned residential/commercial, although such a designation did not exist under the town zoning ordinances.

A buyer contacted Rodrigue about the property and eventually purchased it. Rodrigue represented the buyer during the transaction. He did not accurately inform the buyer about the zoning status of the property or advise the buyer to confirm any questions the buyer might have about the allowable uses for the property.

Rodrigue provided the buyer with conflicting information about the waste disposal system. He advertised the property as being served by public sewer, but included information on the property disclosure form that there was a septic tank but no leach field. In fact, there was no septic tank and the property was served by the public sewer system.

Rodrigue was found in violation of 32 M.R.S.A. §§ 13067(1)(A), (F), (G), and (H); and Chapter 330 Sections 1(B) and 18 of the Maine Real Estate Commission Rules in effect at that time. Rodrigue was ordered to pay a fine of \$5,000.00. His license was suspended for 180 days, and he was ordered to complete "The Designated Broker Course" before reinstatement of his license.

On December 14, 2006 the members of the Commission accepted the following consent agreements entered

into by the Director and various licensees:

1. Peter A. Clifford of Benton, Maine. Clifford is an inactive associate broker who failed to respond to a continuing education audit.

Clifford renewed his active license and certified that he had complied with the continuing education requirement. He was notified twice that his name had been selected for an audit of the continuing education courses he had completed to qualify for renewal. Clifford did not respond to either notice of audit.

Clifford was found in violation of 32 M.R.S.A. § 13067(1)(L). He agreed to the immediate revocation of his license.

2. Lise D. Ouellette of Saco, Maine. Ouellette is a designated broker who allowed improper advertisements to appear.

As the designated broker, Ouellette allowed print and electronic advertisements to appear which included the promotion of an individual as an agent with the company when that individual's license was under suspension. In addition, the print advertisement had a trade name that was not the company trade name as licensed with the Commission.

Ouellette was found in violation of 32 M.R.S.A. § 13067(1)(F) and Chapter 410 Sections 1(2) and 1(7) of the Maine Real Estate Commission Rules. She agreed to pay a fine of \$500.00.

3. James R. Wolcott of Dover, New Hampshire. Wolcott is an associate broker who failed to comply with the continuing education requirement for renewal of his license.

As part of his license renewal application, Wolcott certified that he had completed 15 hours of approved continuing education. After an audit, it was discovered that he had completed only 12 hours during his biennial license term.

Wolcott was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He agreed to pay a fine of \$700.00.

On January 18, 2007 the members of the Commission ratified their decision reached after a hearing involving Laura J. Szafranski of Gorham, Maine. Szafranski is a broker who failed to protect her seller clients by not notifying them at any time that escrowed money was being released to the buyers.

Szafranski represented the sellers of property who entered into a purchase and sale agreement with buyers which required \$7,000.00 to be escrowed at closing. The money was set aside to be paid to the buyers in the event that a certified soil scientist determined that the septic system on the property needed to be repaired or replaced within 3 months of the closing. Subsequently the buyer presented Szafranski with an application for a subsurface waste disposal system and two estimates for the cost of installing the system. Szafranski notified the main office of her agency that she had appropriate paperwork but did not have a release from the sellers. The escrowed money was released to the buyers.

Szafranski did not notify the sellers that the money was being released to the buyers. After learning of the release the sellers reviewed the documents presented by the buyers and determined that the terms of the escrow agreement had not been met, that no soil scientist had determined that the system needed repair or replacement, and that no evidence showed the new system had been installed. The sellers determined that they would not have agreed to release the escrowed money to the buyers had

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they been notified in a timely manner.

Szafranski was found in violation of 32 M.R.S.A. §13067(1)(G). She was ordered to pay a fine of \$2,000.00 and to complete "The Designated Broker Course."

On January 18, 2007 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:

1. Jay D. Hinman of Standish, Maine. Hinman is a designated broker who failed to report a criminal conviction in a timely manner. In December 2006 the Director learned that Hinman had been convicted of "Driving to Endanger" in August 2006.

Hinman was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$200.00.

2. Eric R. Humes of Topsham, Maine. Humes is an associate broker who failed to disclose and report criminal convictions.

Humes was licensed as a sales agent in 2001 and reported no criminal convictions on his license application. He was licensed in 2004 as an associate broker and again reported no criminal convictions on the license application. In December 2006 the Director learned that Humes had two criminal convictions for "Driving to Endanger" in July and August 1998. Neither conviction had been disclosed previously.

In March 2005 Humes notified the Director that he had been convicted of "criminal speeding" in January 2005. He entered into a consent agreement acknowledging that he failed to report the criminal conviction in a timely manner.

In December 2006 Humes disclosed on his license renewal application that he had been convicted of "criminal speeding" in July 2006. The Director confirmed that the conviction was in September 2006.

Humes was found in violation of 32 M.R.S.A. §§ 13067(1)(A) and 13195. He agreed to a 30 day suspension of his license and to pay a fine of \$2,500.00.

3. Tina M. Pelletier of Pittsfield, Maine. Pelletier is a sales agent who failed to disclose a criminal conviction. She stated on her sales agent license application that she had not been convicted by any court of any offense. The Director learned that Pelletier had been convicted of "Disorderly Conduct (Charge Class E)" in 1991 and "Assault (Charge Class D)" in 1995. After being contacted by the Director, Pelletier submitted a written amendment to her application.

Pelletier was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191. She agreed to pay a fine of \$600.00.

4. Susannah C. Voorhis of York, Maine. Voorhis is an associate broker who failed to comply with the continuing education requirement for renewal.

As part of her license renewal application, Voorhis certified that she had completed 21 hours of approved continuing education. After an audit, it was discovered that she had completed 17 hours of approved education.

Voorhis was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to pay a fine of \$600.00 and to complete 4 hours of education.

On March 29, 2007 the members of the Commission

ratified their decisions reached after hearings involving the following licensees:

1. Michael R. Hanna of South Portland, Maine. Hanna is an associate broker who failed to comply with the continuing education requirement for renewal of his license.

As part of his license renewal application, Hanna certified that he had completed 21 hours of approved continuing education. After an audit, it was discovered that he had completed 16 hours of education before renewing his license.

Hanna was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He was ordered to pay a fine of \$700.00.

2. Gregory A. True of Norridgewock, Maine. True was an active associate broker who failed to comply with the continuing education requirement for renewal of his license.

As part of his license renewal application, True certified that he had completed 21 hours of approved continuing education. After an audit, it was discovered that he had completed 15 hours of education before renewing his license.

True was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). He was ordered to pay a fine of \$700.00 and submit his continuing education credits with his next renewal.

On March 29, 2007 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:

1. James V. Braley of Bar Harbor, Maine. Braley is a sales agent who failed to disclose a criminal conviction. He stated on his sales agent license application that he had not been convicted by any court of any offense. The Director learned that Braley had been convicted of "Criminal Trespass (Misdemeanor Unknown Class)" on August 10, 1984. After being contacted by the Director, Braley submitted a written amendment to his application.

Braley was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1). He agreed to pay a fine of \$200.00.

2. Denis C.J. Dancoes of Falmouth, Maine. Dancoes is a designated broker who failed to produce documents to the Director. He was notified that a complaint had been received by the Commission and was requested to submit a written response along with copies of various documents pertaining to the transaction. Dancoes did not respond to the initial notification of the complaint or subsequent requests for the response and documents.

Dancoes was found in violation of 32 M.R.S.A. § 13067(1)(L). He agreed to pay a fine of \$500.00 and to submit the requested response and documents by a specified date.

3. David B. Drew of Presque Isle, Maine. Drew is an associate broker who failed to report a criminal conviction in a timely manner. In December 2006 Drew disclosed on his license renewal application a conviction for "speeding - OUI" in December 2004. A check of his Bureau of Motor Vehicles record confirmed a criminal conviction for "Operating Under the Influence of Liquor" in October 2005.

Drew was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$200.00.

4. Gordon W. Glidden of Standish, Maine. Glidden is an

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associate broker who failed to report a criminal conviction in a timely manner. In January 2007 Glidden disclosed on his license renewal application a conviction for "Driving to Endanger" since his last renewal. A check of his Bureau of Motor Vehicles record confirmed a criminal conviction of "Driving to Endanger" in December 2005.

Glidden was found in violation of 32 M.R.S.A. § 13195. He agreed to pay a fine of \$200.00.

5. John C. Harmon II of Scarborough, Maine. Harmon is a designated broker who failed to have policies and procedures in place for the proper release of money other than earnest money deposits held by the agency.

A licensee affiliated with Harmon's agency represented sellers who entered into an agreement with buyers to purchase their property. The contract included a provision that \$7,000.00 would be escrowed from the sellers' proceeds for a period of time not to exceed 3 months, for the purpose of replacement of the septic system and leach field if needed as determined by a certified soil scientist. The 3 months passed and the buyers produced an application for a new septic system along with an estimate for installation and requested that the escrowed money be released to them. The listing licensee informed the agency's accountant that the buyer was coming to get the escrowed money but that the sellers had not giving any authorization to release the money. The accountant released the money to the buyers.

Shortly thereafter, the sellers contacted the listing licensee about the money and was informed that it had been released to the buyers. No attempts had been made by anybody at the agency to contact the sellers before releasing the money to the buyers. Harmon as designated broker failed to provide a reasonable level of supervision by not having policies and procedures in place to address the proper release of money held by the agency.

Harmon was found in violation of 32 M.R.S.A. §§ 13067 (1)(F) and (I), and 13179. He agreed to pay \$7,000.00 to the sellers.

6. Dale J. Holman of Portland, Maine. Holman is an associate broker who failed to disclose a criminal conviction. He stated on his sales agent license application in 2005 that he had not been convicted by any court of any offense. Holman disclosed on his associate broker license application in 2007 that he had convicted of "Eluding an Officer" and "Speeding 30 MPH over posted speed" in 1988.

Holman was found in violation of 32 M.R.S.A. §§ 13067 (1)(F) and 13191. He agreed to pay a fine of \$200.00.

7. Donald L. Johnson of Bar Harbor, Maine. Johnson is an associate broker who failed to report a criminal conviction in a timely manner. In February 2007 Johnson disclosed on his license renewal application a conviction for "Driving to Endanger" in August 2005.

Johnson was found in violation of 32 M.R.S.A. §§ 13067 (1)(F) and 13195. He agreed to pay a fine of \$200.00.

8. Leslie W. MacPhee of Rangeley, Maine. MacPhee is a designated broker who failed to ensure that buyers received pertinent information about a lease agreement that was part of a sale.

MacPhee listed for sale residential property that included common water frontage on a lake. He asked the sellers if there was a lease agreement pertaining to the water access and they

told him there was not. A licensee affiliated with MacPhee's company showed the property to buyers represented by a broker from another company. The sellers later entered into an agreement to sell the property to those buyers.

Before the closing MacPhee received a copy of an assignment of lease from the original title holder, consenting to the assignment of a lease for the common water frontage from the sellers to the buyers. MacPhee then obtained a copy of the lease agreement from the Registry of Deeds and then sent the lease assignment to the sellers for their signature. He told his company licensee about the document so that the buyers' broker could be notified. The licensee left a message, did not get a return call, and made no further efforts to contact the other licensee. MacPhee assumed the information had been conveyed. The sellers signed the lease assignment with MacPhee witnessing their signatures. He did not send a copy to the buyers or the buyers' broker.

At the closing there was a discussion about particular wording in the deed. There was some dispute about whether the lease was discussed at that time. Subsequently the buyers received notification from the original title holder that there was a lease agreement and that the sellers had assigned the lease to them.

MacPhee was found in violation of 32 M.R.S.A. § 13067 (1)(H). He agreed to pay a fine of \$1,500.00.

9. Thomas W. Munson of Fairfield, Maine. Munson is a designated broker who advertised a rebate without including specific terms and conditions.

Munson advertised that he would give money back to buyers at closing. The advertisement appeared in several editions of two newspapers and was to appear on a Chamber of Commerce map. Munson did not include specific terms and conditions about the rebate, such as it was limited to buyer clients with exclusive buyer client agreements, who were pre-qualified, and who signed exclusive buyer client agreements in 2007, and that it was for 20% of the buyer's agency side of a residential commission. Subsequently, Munson revised the advertisement to included the terms and conditions of the rebate.

Munson was found in violation of 32 M.R.S.A. § 13067(1)(F) and Chapter 410 Sections 1(7) and 11 of the Maine Real Estate Commission Rules. He agreed to pay a fine of \$500.00.

10. Matthew W. Trudel of Gray, Maine. Trudel is a broker who failed to disclose and report criminal convictions in a timely manner.

Trudel was licensed as a sales agent in 1998 and disclosed a conviction for "Operating Under the Influence" on his license application. Shortly thereafter the Director learned that Trudel had been convicted of "Criminal Mischief" in July 1996. Trudel told the Director that he had forgotten that there was a connected charge resulting from the OUI conviction. The Director did not pursue the matter at that time.

In January 2001 Trudel applied for an associate broker license and disclosed both of the 1996 convictions. In December 2002 the Director received a report of other convictions for Trudel. In January 2003 he entered into a consent agreement acknowledging that he failed to report in a timely manner a July 2001 conviction for "OUI" and two July 2002 criminal convictions for "Habitual Motor Vehicle Offender" and "OUI." Trudel paid a fine of \$300.00 as part of that consent agreement.

Trudel applied for a broker license in January 2005 and made appropriate disclosures of his criminal convictions. In January 2007 he submitted his license renewal application and

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disclosed that he had a conviction in November 2006. The Director learned that Trudel had been convicted in November 2006 for "Violation of Condition of Release" and was convicted of "Failure to Stop for Police Officer" and "Operating After Suspension" in July 1996. Trudel had not previously disclosed those convictions.

Trudel was found in violation of 32 M.R.S.A. §§ 13067(1) (A) and (H), and 13195. He agreed to a 30 day suspension of his license and to pay a fine of \$2,500.00.

11. Christine A. Wilke of Brunswick, Maine. Wilke is an associate broker who failed to comply with the continuing education requirement for renewal of her license.

As part of her license renewal application, Wilke certified that she had completed 21 hours of approved continuing education. After an audit, it was discovered that she had completed 18 hours of education before renewing her license.

Wilke was found in violation of 32 M.R.S.A. §§ 13067(1) (F) and 13197(1). She agreed to pay a fine of \$600.00.

On May 24, 2007 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:

1. Patricia A. Balzano of Windham, Maine. Balzano is an associate broker who failed to report a criminal conviction in a timely manner. In January 2007 Balzano notified the Commission that she had been convicted of "OUI." A check of her Bureau of Motor Vehicles record confirmed a criminal conviction of "OUI" in March 2006.

Balzano was found in violation of 32 M.R.S.A. § 13195. She agreed to pay a fine of \$200.00.

2. Susan A. Braley of Bar Harbor, Maine. Braley is an associate broker who failed to disclose a criminal conviction. She stated on her sales agent license application in March 2004 and on her associate broker license application in March 2007 that she had not been convicted by any court of any offense. The Director learned that Braley had been convicted of "Theft (Misdemeanor Unknown Class)" on February 24, 1986. After being contacted by the Director, Braley submitted a written amendment to her application.

Braley was found in violation of 32 M.R.S.A. §§ 13067(1) (F) and 13191(1). She agreed to pay a fine of \$300.00.

3. Robert S. Rollins of Woolwich, Maine. Rollins is a designated broker who failed to report a criminal conviction in a timely manner. In May 2007 Rollins disclosed on his license renewal application that he had been convicted of "Operating Under the Influence of Liquor" in January 2006.

Rollins was found in violation of 32 M.R.S.A. §§ 13067(1) (F) and 13195. He agreed to pay a fine of \$200.00

4. John P. Tracy of Gray, Maine. Tracy is an inactive sales agent who failed to disclose a criminal conviction. He stated on his sales agent license application that he had not been convicted by any court of any offense. The Director learned that Tracy had been convicted of "Criminal Trespass" on October 14, 1968. After being contacted by the Director, Tracy submitted a written amendment to his application.

Tracy was found in violation of 32 M.R.S.A. §§ 13067(1) (F) and 13191. He agreed to pay a fine of \$200.00.

On June 21, 2007 the members of the Commission ratified their decisions reached after hearings involving the following licensees:

1. Brenda L. Lyon of Intervale, New Hampshire. Lyon is a designated broker who failed to comply with the continuing education requirement before renewing her license.

As part of her license renewal application, Lyon certified that she had completed 15 hours of approved continuing education. After an audit, it was discovered that she had completed no hours of education before renewing her license and had completed 9 hours after renewing.

Lyon was found in violation of 32 M.R.S.A. §§ 13067(1) (A), (F) and 13197(1), and Chapter 370 Section 10(A) of the Maine Real Estate Commission Rules. The Commission ordered the revocation of her license and ordered her to pay a fine of \$2,000.00.

2. William G. MacFarlane of Portland, Maine. MacFarlane is a designated broker who failed to comply with a Commission order. He was ordered to pay a fine of \$800.00 and complete the core continuing education course. He did not pay the fine or complete the course.

MacFarlane was found in violation of 32 M.R.S.A. § 13067(1)(M). The Commission ordered the immediate revocation of his license.

On June 21, 2007 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:

1. Brian M. Connelly of Portland, Maine. Connelly is a broker who failed to comply with the continuing education requirement for renewal of his license.

As part of his license renewal application, Connelly certified that he had completed 21 hours of approved continuing education. After an audit, it was discovered that he had completed 9 hours of education before renewing his license.

Connelly was found in violation of 32 M.R.S.A. §§ 13067(1)(A), (F) and 13197(1). He agreed to a 90 day suspension of his license; to complete 12 hours of continuing education; and to pay a fine of \$1,200.00.

2. Lisa L. Cote of Lewiston, Maine. Cote is an associate broker who failed to report a criminal conviction in a timely manner. In April 2007 Cote disclosed on her license renewal application that she had been convicted of "Operating While License Suspended or Revoked" and "Unlawful Use of License" in April 2006.

Cote was found in violation of 32 M.R.S.A. § 13195. She agreed to pay a fine of \$200.00.

3. Gary L. Dellner of Somersworth, New Hampshire. Dellner is an associate broker who failed to disclose a criminal conviction. He stated on his associate broker license application that he had not been convicted by any court of any offense. The Director learned that Dellner had been convicted of "Assault (Charge Class D)" on February 26, 1990. After being contacted by the Director, Dellner submitted a written amendment to his application.

Dellner was found in violation of 32 M.R.S.A. §§ 13067(1) (F) and 13191(1). He agreed to pay a fine of \$200.00.

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4. Kerry L. Gallagher of Portland, Maine. Gallagher is an associate broker who failed to comply with the continuing education requirement for renewal of her license.

As part of her license renewal application, Gallagher certified that she had completed 21 hours of approved continuing education. After an audit, it was discovered that she had completed 18 hours of education before renewing her license.

Gallagher was found in violation of 32 M.R.S.A. §§ 13067 (1)(F) and 13197(1). She agreed to pay a fine of \$600.00 and to complete 3 hours of continuing education.

5. Lisa A. Perkins of Saco, Maine. Perkins is a sales agent who failed to disclose a criminal conviction. She stated on her sales agent license application that she had not been convicted by any court of any offense. The Director learned that Perkins had been convicted of "Theft (Misdemeanor Unknown Class)" on April 9, 1987. After being contacted by the Director, Perkins submitted a written amendment to her application.

Perkins was found in violation of 32 M.R.S.A. §§ 13067 (1)(F) and 13191(1). She agreed to pay a fine of \$200.00.

On July 19, 2007 the members of the Commission accepted the following consent agreements entered into by the Director and various licensees:

1. Karen P. Dorow of Portsmouth, New Hampshire. Dorow is an associate broker who failed to comply with the continuing education requirement for renewal of her license.

As part of her license renewal application, Dorow certified that she had completed 21 hours of approved continuing education. After an audit, it was discovered that she had completed 20 hours of education before renewing her license.

Dorow was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197(1). She agreed to pay a fine of \$500.00 and to complete 2 hours of continuing education.

2. Victoria L. Hill of Portland, Maine. Hill is a sales agent who failed to disclose a criminal conviction. She stated on her sales agent license application that she had not been convicted by any court of any offense. The Director learned that Hill had been convicted of "Obstructing Government Administration (Charge Class D)" on June 29, 1992. After being contacted by the Director, Hill submitted a written amendment to her application.

Hill was found in violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1). She agreed to pay a fine of \$200.00.

3. Geoffrey E. MacLean of Portland, Maine. MacLean is currently a broker but at the time of the issues of the agreement, he was a designated broker who allowed advertisements to be placed on behalf of the agency that misrepresented the sales volume of the company as a whole and for individual licensees while affiliated with the agency.

The advertisements at issue stated a certain volume of closed units. It was determined that the figure originated in a company generated report that showed both the number of contracts written and the number of units closed. The advertisements incorrectly identified the number of contracts written as the number of units sold.

The advertisements also included the sales volume

figures for individual licensees. The figures were for a specific time period. Some of the licensees identified were affiliated with other agencies during that time period but the totals were included in the advertisement of their names as affiliates of MacLean's agency.

MacLean was found in violation of 32 M.R.S.A. § 13067 (1)(F) and Chapter 330 Section 1(B) of the Maine Real Estate Commission Rules in effect at that time. He agreed to pay a fine of \$500.00.

4. Denise E. Plouffe of Lubec, Maine. Plouffe is an associate broker who failed to report a criminal conviction in a timely manner. In November 2006 Plouffe disclosed that she had been convicted of "Driving Under the Influence" in Florida in September 2005. Plouffe was found in violation of 32 M.R.S.A. § 13195. She agreed to pay a fine of \$200.00.

I have held an inactive real estate license for many years...

According to 32 MRSA §13196(2), you can reactivate an inactive license by completing CE credits according to the following chart:

Inactive Period	CE Credits Required
Up to 2 years	21
2 to 4 years	28
4 to 6 years	36

For those individuals who have held an inactive license for more than 6 years, please note that you remain eligible to renew the inactive license by submission of the renewal application and fee. However, under current law the requirements to activate the license to permit you to practice once again is the same procedure (passage of the Maine Law exam) that an individual must follow who has allowed the license to lapse for more than 90 days.

Simply said, the decision is yours to make - you may continue to renew as an inactive licensee and pay the renewal fee or you may allow the inactive license to lapse. In either scenario, under current law the requirement to reinstate the license is the same.

If my DB sends my license back to the Commission, does that make me inactive?

No. When the Commission receives a license back from a designated broker, the licensee is "between agencies". This means that the licensee must file a change of license application in order to affiliate to a new agency. This change does NOT require proof of continuing education credits.

If you wish to change your license to inactive status, you must file a change of license application. After changing to inactive status, you will be required to show proof of CE (according to the chart above) if you wish to practice again.

If I change to inactive status, do I still need to renew my license?

Yes. Changing from active to inactive status (or back) does NOT affect your license expiration date. If you wish to preserve your ability to return to active practice by completing CE credits, you must renew your license.

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Total licensees, as of
July 31, 2007:

Agencies
1284

Designated Brokers
1090

Brokers
1410

Associate Brokers
2497

Sales Agents
1364

Inactive licensees
(all types)
1412

Total:
9057

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