

**Minutes of the Maine Real Estate Commission Meeting
July 24, 2024**

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
Edie Fontaine, Chair	Catherine Pendergast, Director
Leanne Nichols, Vice Chair	Jeffrey Hill, Deputy Director
Charles Brawn	Lisa Wilson, AAG
Jane B. Towle	Kaleigh Kennedy, Office Specialist I
Forrest C. Peterson	Shara Chesley, Office Specialist I
<u>MEMBERS ABSENT</u>	

Location: 76 Northern Ave Gardiner, ME

Start: 9:02 a.m.

Adjourn: 1:42 p.m.

I. CALL TO ORDER

The meeting was opened by Chair Fontaine at 9:02 a.m.

II. AGENDA MODIFICATIONS

A motion was made by Towle and seconded by Nichols to add dismissal 2021-REC-17797 and consent agreement 2024-REC-19885 to agenda. Unanimous.

III. MINUTES REVIEW AND APPROVAL

A motion was made by Nichols and seconded by Brawn to approve the minutes of the June 20, 2024, meeting. Unanimous.

IV. ADJUDICATORY HEARINGS

2024-REC-19885 Director v. Bernice L. Pipa

The hearing was resolved by a signed consent agreement.

A motion to accept the Consent Agreement was made by Nichols and seconded by Towle. Unanimous.

2024-REC-19739 Director v. Lalah Kargar

Hearing officer – Mark Terison opened the hearing at 9:08 a.m. Lalah Kargar was not present and had no representation. The Director was present. AAG Jim Bowie presented the Director’s Case.

Public deliberations were conducted at the close of the hearing.

A motion was made by Brawn and seconded by Fontaine to deny applicant’s request to withdraw. Unanimous.

In reference to the grounds for license denial stated in the Notice of Hearing:

1. A motion was made by Nichols and seconded by Brawn to affirm a violation pursuant to 10 M.R.S. § 8003(5-A)(A)(1). Unanimous.
2. A motion was made by Towle and seconded by Nichols to affirm a violation pursuant to 32 M.R.S. § 13067-A(1). Unanimous.
3. A motion was made by Towle and seconded by Fontaine to affirm a violation pursuant to 32 M.R.S. § 13067-A(2). Unanimous.
4. A motion was made by Towle and seconded by Brawn to affirm that pursuant to 32 M.R.S. § 13067-A(9) applicant had a professional of occupational license application rejected for reasons related to untrustworthiness within 3 years prior to the date of application. Unanimous.
5. A motion was made by Towle and seconded by Fontaine to affirm that because of applicant’s failure

to appeal the Commission's September 22, 2023 Decision and Order, applicant is foreclosed from challenging the factual findings and legal conclusions. Unanimous.

Sanctions

1. A motion was made by Brawn and seconded by Towle to order respondent to pay a fine of \$2000.00 to be paid within 90 days of effective date of Decision and Order and prior to submission of a future application. Unanimous.
2. A motion was made by Brawn and seconded by Towle to order respondent to pay a fine of \$2000.00 to be paid within 90 days of effective date of Decision and Order and prior to submission of a future application. Unanimous.
3. A motion was made by Nichols and seconded by Brawn to order respondent to pay a fine of \$2000.00 to be paid within 90 days of effective date of Decision and Order and prior to submission of a future application. Unanimous.
4. A motion was made by Brawn to order respondent to pay a fine of \$1,000 to be paid within 90 days of effective date of Decision and Order and prior to submission of a future application. No second. Motion failed.

A motion was made by Towle and seconded Brawn to order respondent to pay a fine of \$2000.00 to be paid within 90 days of effective date of Decision and Order and prior to submission of a future application. Fontaine, Brawn and Towle voted in the affirmative. Nichols and Peterson opposed. Motion Carried.

A motion was made by Brawn and seconded by Fontaine to issue a REPRIMAND. Unanimous.

Hearing ended at 1:23 p.m. Recording was stopped.

V. PROPOSED DISMISSALS

A motion was made by Brawn and seconded by Nichols to approve the dismissal of case numbers 2021-REC-17597; 2021-REC-17797; and 2023-REC-19432. Unanimous.

VI. CONSENT AGREEMENTS

A motion was made by Nichols and seconded by Fontaine to approve the proposed consent agreements for case numbers: 2021-REC-17618; 2024-REC-19894; 2024-REC-19957; 2024-REC-20109; 2024-REC-20110; 2024-REC-20125; 2024-REC-20139; 2024-REC-20175. Unanimous.

VII. DIRECTOR'S REPORT

The Director presented an application for consideration. A motion was made by Fontaine and seconded by Towle to direct staff to issue the license. Unanimous.

The Director presented & discussed the draft Core Course with the board. A motion was made by Nichols and seconded by Brawn to approve the content of the core course with the condition that a timeline will be added. Unanimous.

VIII. PUBLIC COMMENT

EJ Demers thanked the commission for their time and effort.

IX. MEETING SCHEDULE

The next meeting is currently scheduled for Thursday August 15, 2024.

X. ADJOURNMENT

A motion was made by Nichols and seconded by Brawn to adjourn the meeting at 1:42 p.m. Unanimous.