

# Minutes of the Maine Real Estate Commission

April 30, 2015

<b>MEMBERS PRESENT</b>	<b>STAFF PRESENT</b>
Adam Shub, Chairman	Karen Bivins, Director
Donald Plourde, Vice-Chair	Robert Perkins, Assistant Attorney General
Joan Chrane	Jeffrey Hill, Deputy Director
David Kitchen	Bruce Osborne, Field Investigator
	Catherine Pendergast, Education Coordinator
<b>MEMBERS ABSENT</b>	Kim Baker, Office Specialist I
None	Deborah Fales, Office Specialist I

**Location:** Central Conference Room

**Start:** 9:05 a.m.

**Adjourn:** 12:40 p.m.

## **Agenda Modifications**

A motion was made by Kitchen and seconded by Chrane to add the Proposed Consent Agreement in case number 2015-REC-10960, and Proposed Dismissals in case numbers 2014-REC-10424, 2014-REC-10472 and 2015-REC-10969 to the agenda. Unanimous.

## **Commission Minutes**

A motion was made by Plourde and seconded by Chrane to approve the minutes of the March 19, 2015. Unanimous.

## **Hearings**

Shub recused and left the room.

Commission Vice-Chair Donald Plourde opened the hearing at 9:30 a.m. in the matter of **Director v. Julia Bassett Schwerin**.

Schwerin was present and was represented by Attorney Peter Callaghan. The Director was present and represented by Assistant Attorney General Robert Perkins. Public deliberations were conducted at the close of the hearing.

**COUNT I:** A motion was made by Kitchen and seconded by Chrane to find Schwerin in violation of 10 M.R.S.A. §8003(5-A)(A)(4) and 32 M.R.S.A. §13177-A(2). Shub recused; Chrane, Kitchen and Plourde voted in the affirmative. Motion carried.

**COUNT II:** A motion was made by Kitchen and seconded by Chrane to find Schwerin in violation of 10 M.R.S.A. §8003(5-A)(A)(4) and 32 M.R.S.A. §13283(3). Shub recused; Chrane, Kitchen and Plourde voted in the affirmative. Motion carried.

**COUNT III:** A motion was made by Kitchen and seconded by Chrane not to find Schwerin in violation of 10 M.R.S.A. §8003(5-A)(A)(4) and 32 M.R.S.A. §13067-A(5). Shub recused; Chrane, Kitchen and Plourde voted in the affirmative. Motion carried.

**COUNT IV:** A motion was made by Kitchen and seconded by Chrane to find Schwerin in violation of 10 M.R.S.A. §8003(5-A)(A)(4) and 32 M.R.S.A. §13274(2)(B). Shub recused; Chrane, Kitchen and Plourde voted in the affirmative. Motion carried.

**COUNT V:** A motion was made by Kitchen and seconded by Chrane to find Schwerin in violation of 10 M.R.S.A. §8003(5-A)(A)(4) and 32 M.R.S.A. §13067-A(4). Shub recused; Chrane, Kitchen and Plourde voted in the affirmative. Motion carried.

A motion was made by Kitchen and seconded by Chrane to impose a \$3000 fine payable within 90 days. Shub recused; Chrane, Kitchen and Plourde voted in the affirmative. Motion carried.

### **Decisions And Orders**

None

### **Proposed Consent Agreements and Dismissals**

Shub recused and left the room.

A motion was made by Kitchen and seconded by Chrane to accept the Proposed Dismissals in case numbers: 2014-REC-10358 and 2014-REC-10472. Chrane, Plourde and Kitchen voted in the affirmative. Shub recused. Motion carried.

Shub returned to the room.

A motion was made by Plourde and seconded by Kitchen to accept the Proposed Consent Agreements in case numbers: 2014-REC-10691 and 2015-REC-10960; and to accept the Proposed Dismissals in case numbers: 2014-REC-10156, 2014-REC-10455, 2014-REC-10424, and 2015-REC-10969. Unanimous.

### **Request for Extension**

None.

### **Director's Report**

The Director reported that L.D. 895 was voted "ought to pass" out of committee and she will continue to monitor its progress in the legislative process.

The monthly report indicates that continuing education issues have decreased compared to previous years.

### **Meeting Dates**

The next meeting is scheduled for Thursday, May 21, 2015.

### **Adjournment**

The meeting adjourned at 12:40 p.m.

This report respectfully submitted,  
Kim Baker, Office Specialist I