

Minutes of the Maine Real Estate Commission

May 19, 2016

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
David Kitchen, Acting Chair	Karen Bivins, Director
Cathy Manchester	Jeffrey Hill, Deputy Director
Adam Shub	Bruce Osborne, Field Investigator
	Catherine Pendergast, Education Coordinator
	Kim Baker, Office Specialist I
	Deborah Fales, Office Specialist I
<u>MEMBERS ABSENT</u>	Robert Perkins, AAG
Donald Plourde, Chair	
Joan Chrane	

Location: Central Conference Room

Start: 9: 05 a.m.

Adjourn: 6:04 p.m.

Agenda Modifications

A motion was made by Shub and seconded by Manchester to add proposed dismissal in case number 2015-REC-11475. Unanimous.

Commission Minutes

A motion was made by Shub and seconded by Manchester to approve the minutes of the April 14, 2016 meeting. Shub and Manchester abstained; Kitchen voted in the affirmative. Motion carried.

Decisions And Orders

A motion was made by Kitchen and seconded by Shub to approve the Decision and Order in in case number 2016-REC-11986, Director v. Michael P. Alberico, as presented. Shub and Manchester abstained; Kitchen voted in the affirmative. Motion carried.

Proposed Consent Agreements

Kitchen recused and left the room.

A motion was made by Manchester and seconded by Shub to approve the proposed consent agreement in case numbers: 2014-REC-10640 (SH) and 2014-REC-10640 (GW). Manchester and Shub voted in the affirmative; Kitchen recused. Motion Carried.

Kitchen returned to the room.

Manchester recused and left the room.

A motion was made by Shub and seconded Kitchen to approve the proposed consent agreement in case number 2016-REC-12066. Shub and Kitchen voted in the affirmative; Manchester recused. Motion carried.

Manchester returned to the room.

A motion was made by Shub and seconded Manchester to approve the proposed consent agreement in case numbers: 2014-REC-10556, 2015-REC-11081, 2016-REC-12175, and 2016-REC-12185. Unanimous.

Proposed Dismissals

A motion was made by Shub and seconded by Manchester to approve the proposed dismissal in case numbers: 2015-REC-11223, 2015-REC-11718, and 2015-REC-11475. Unanimous.

Request for Extension

None.

Director's Report

The Director updated the Commission on the progress of the new core course that will be ready to be presented to the Commission at the June meeting. The Director also informed the Board about the new features of the on-line licensing system.

Hearings

Hearing Officer Rebekah Smith opened the hearing at 9:34 a.m. in the matter of **Director v. Barbara A. Pitcairn**. Ms. Pitcairn was present and was represented by attorney Michael Hodgins. The Director was present and represented by Assistant Attorney General Robert Perkins. Public deliberations were conducted at the close of the hearing.

A motion was made by Manchester and seconded by Shub not to find a violation in Count 1 pursuant to 10 M.R.S.A §8003(5-A)(A)(4) and 32 M.R.S.A §13067-A(5). Shub and Manchester voted in the affirmative; Kitchen opposed. Motion carried.

A motion was made by Manchester and seconded by Shub not to find a violation in Count 2 pursuant to 10 M.R.S.A §8003(5-A)(A)(4) and 32 M.R.S.A §13067-A(5). Shub and Manchester voted in the affirmative; Kitchen opposed. Motion carried.

A motion was made by Manchester not to find a violation in Count 3 pursuant to 10 M.R.S.A §8003(5-A)(A)(4) and 32 M.R.S.A §13067-A(5). Motion failed for lack of a second.

A motion was made by Shub and seconded by Kitchen to find a violation in Count 3 pursuant to 10 M.R.S.A §8003(5-A)(A)(4) and 32 M.R.S.A §13067-A(5). Shub and Kitchen voted in the affirmative; Manchester opposed. Motion carried.

A motion was made by Shub and seconded by Manchester to find a violation in Count 4 pursuant to 10 M.R.S.A §8003(5-A)(A)(4) and 32 M.R.S.A §13067-A(6) in failing to act in a reasonably prudent manner in order to avoid error, exaggeration and concealment of pertinent information. Unanimous.

A motion was made by Shub and seconded by Manchester to find a violation in Count 5 pursuant to 10 M.R.S.A §§8003(5-A)(A)(2) and (4) and 32 M.R.S.A §13067-A(2) for conduct demonstrating, incompetency, untrustworthiness, and improper dealings. Unanimous.

A motion was made by Manchester and seconded by Shub to order Respondent to pay a fine of \$6000.00 and to immediately revoke Respondent license number BR905851. Unanimous.

A motion was made by Kitchen and seconded by Shub to amend the previous motion to include payment of the fine to be made within 30 days. Unanimous

The hearing was concluded at 6: 04 p.m.

Meeting Dates

The next meeting is scheduled for Thursday, June 16, 2016.

Adjournment

The meeting adjourned at 6:04 p.m.

This report respectfully submitted,
Kim Baker, Office Specialist I