

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
MAINE REAL ESTATE COMMISSION**

In Re:

Brian M. Connelly	)	
Benchmark Residential & Investment Real Estate	)	
95 India Street, Floor #2	)	<b>CONSENT AGREEMENT</b>
Portland, Maine	)	

**INTRODUCTION**

This Consent Agreement regarding the brokerage activity of Brian M. Connelly is entered into pursuant to 32 M.R.S.A. § 13069(6)(B) (1988). The parties to this Consent Agreement are Brian M. Connelly ("Connelly") and Carol J. Leighton, Director of the Maine Real Estate Commission ("Director").

**FACTS**

Connelly is a real estate broker licensed with Benchmark Residential & Investment Real Estate doing business at 95 India Street, Floor #2 in Portland, Maine.

On March 20, 2007 the Commission received Connelly's real estate broker license renewal application. As part of the renewal application, Connelly confirmed that he had complied with the continuing education requirement for renewal. Based on the information provided in the application, Connelly's real estate broker renewal license was issued effective March 20, 2007 with an expiration date of January 26, 2009.

By letter dated April 6, 2007 Connelly was notified by the Commission that his name had been selected for an audit of the continuing education courses he had completed to qualify for renewal. On May 3, 2007 Connelly submitted a response to the Notice of Audit. Connelly submitted copies of continuing education course certificates totaling 9 clock hours of approved continuing education. The 9 clock hours included the required core course.

In the May 3rd response, Connelly advised that he had completed two real estate courses "as part of (his) continuing education obligations as a member of the Maine bar." The two courses referenced have not been approved for continuing education credit by the Commission.

**AGREEMENT**

Whereas, the parties wish to conclude this matter without a hearing before the Commission, they hereby agree to the following terms, subject to the approval of the Commission and the Department of the Attorney General.

1. Connelly acknowledges all the facts set forth above as true to the best of his knowledge and belief.

2. Connelly acknowledges that his conduct in certifying that he met the continuing education requirement for renewal, specifically 21 clock hours of approved continuing education, when he had only completed 9 clock hours of approved continuing education courses within the license term constitutes a violation of 32 M.R.S.A. §§ 13067 (1)(A) & (F) and 13197(1).

3. Connelly agrees to pay to the Commission a fine in the amount of \$1,200.00 on or before July 26, 2007. Payment shall be in the form of a bank check or money order made payable to the Treasurer of State of Maine.

4. Connelly agrees to a 90 day license suspension, with the suspension term to begin on July 1, 2007 and to be reinstated on September 29, 2007.


5. Connelly agrees to submit to the Commission course certificates certifying completion of 12 clock hours of approved continuing education courses completed within 10 days of the approval date of this Agreement. Connelly agrees that the continuing education course hours completed to comply with this Agreement may be used only for the renewal of his license in April 2007.

6. The Director and the Commission agree that no further agency or legal action will be initiated against Connelly by the Commission based upon the facts described herein, except that in the event that Connelly does not fully comply with the terms of this Agreement, the Director or the Commission shall initiate whatever action is deemed necessary. However, the Director or the Commission may consider the misconduct described above as evidence of a pattern of conduct in the event that similar misconduct allegations are brought against Connelly in the future. Additionally, the Director or the Commission may consider the fact that discipline was imposed by this Agreement as a factor in determining appropriate discipline should any further misconduct allegations be proven against Connelly in the future.

Dated: 6/12/07

  
BRIAN M. CONNELLY

Dated: June 12, 2007

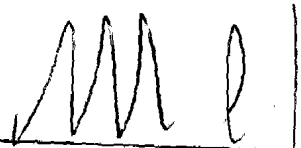
  
WITNESS

Dated: 6/14/07

  
CAROL J. LEIGHTON  
Director, Maine Real Estate Commission

APPROVED

Dated: 6/21/07



**ROBERT C. PERKINS**  
Assistant Attorney General  
Commission Counsel for the  
Office of the Attorney General



**DAVID C. KITCHEN**  
Chairman  
Maine Real Estate Commission