

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

MAINE REAL ESTATE COMMISSION

In Re:

Gary L. Dellner)
The Real Estate Specialists) **CONSENT AGREEMENT**
9 Andrews Road)
Somersworth, New Hampshire)

INTRODUCTION

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

FACTS

Dellner is an associate broker licensed with The Real Estate Specialists doing business at 9 Andrews Road in Somersworth, New Hampshire.

On May 7, 2007 Dellner submitted an associate broker license application. As part of the application, Dellner responded to the criminal conviction question (“have you ever been convicted by any court of any offense”) by checking off “no.”

The Commission received a State Bureau of Identification (“SBI”) report for a Gary L. Dellner with the same date of birth as listed on Dellner’s license application. The report listed a conviction for “Assault (Charge Class D)” on February 26, 1990.

On May 15, 2007 the Director contacted Dellner regarding his response to the criminal conviction question. The Director asked Dellner if the “no” response was correct. Dellner responded that he believed that it was correct. The Director read the SBI report to Dellner, who commented that he had forgotten about the matter.

On May 29, 2007 Dellner submitted a written amendment to the license application to disclose the 1990 conviction. Dellner also stated that he was not aware that the matter “was considered as a conviction of a crime.”

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

2. Dellner acknowledges that the May 7, 2007 license application filed with the Commission was not properly completed in that he failed to disclose the February 26, 1990 criminal conviction, which constitutes a violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1).

3. Dellner agrees to pay to the Commission a fine in the amount of \$200.00 on or before October 12, 2007. Payment shall be in the form of a bank check or money order payable to the Treasurer of the State of Maine.

4. The Director and the Commission agree that no further agency or legal action will be initiated against Dellner by the Commission based upon the facts described herein, except that in the event that Dellner 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 Dellner 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 Dellner in the future.

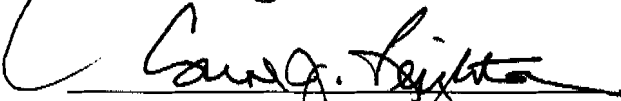
Dated: 6/5/07


GARY L. DELLNER

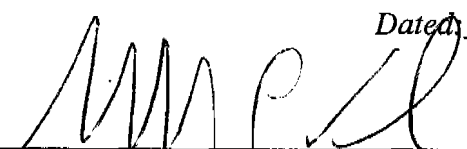
Dated: 06/05/07


WITNESS

Dated: 6/14/07



CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED



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

Dated: 6/21/07



DAVID C. KITCHEN
Chairman
Maine Real Estate Commission