

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

MAINE REAL ESTATE COMMISSION

In Re:

James V. Braley)
Lynam Real Estate Agency) **CONSENT AGREEMENT**
PO Box C)
Bar Harbor, Maine)

INTRODUCTION

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

FACTS

Braley is a sales agent licensed with Lynam Real Estate Agency doing business at 227 Main Street in Bar Harbor, Maine.

On January 31, 2007 Braley submitted a sales agent license application. As part of the application, Braley responded to the criminal conviction question ("have you ever been convicted by any court of any offense") by checking off "no."

On January 31, 2007 the Commission received a State Bureau of Identification ("SBI") report for a James Braley with the same date of birth as listed on Braley's license application. The report listed a conviction for "Criminal Trespass (Misdemeanor Unknown Class)" on August 10, 1984.

On February 2, 2007 the Director contacted Braley. The Director asked Braley if the "no" response to the criminal conviction question on his license application was correct. Braley responded that "it was pretty darned close." Braley described an incident at the Bangor Mall when he was about 18 years of age. Braley said he was told by someone that anything with a fine of \$100 or less would not remain on his record. Braley has received security clearance through the military and the Mall incident was not an issue.

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

2. Braley acknowledges that the January 31, 2007 sales agent license application filed with the Commission was not properly completed in that he failed to disclose the August 1984 criminal conviction, which constitutes a violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1).

3. Braley agrees to pay to the Commission a fine in the amount of \$200.00 on or before April 27, 2007. Payment shall be in the form of a bank check or money order payable to the Treasurer of the State of Maine.

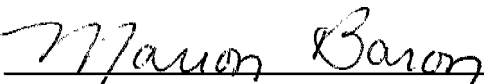
4. The Director and the Commission agree that no further agency or legal action will be initiated against Braley by the Commission based upon the facts described herein, except that in the event that Braley does not fully comply with the terms of this Agreement, the Director or the Commission shall initiate 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 Braley 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 Braley in the future.

Dated: 9 Feb 2007



JAMES V. BRALEY

Dated: 2/9/07



WITNESS

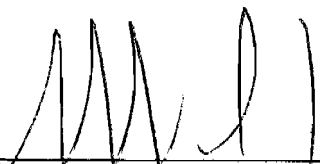
Dated: 2/12/07



CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED

Dated: 3/29/07



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



DAVID C. KITCHEN
Chairman
Maine Real Estate Commission