

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

In Re:

Jeffrey D. Berry)	
DER Referral Services, Inc.)	CONSENT AGREEMENT
125 Ocean Street)	
South Portland, Maine)	

INTRODUCTION

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

FACTS

Berry is an associate broker licensed with DER Referral Services, Inc. doing business at 125 Ocean Street in South Portland, Maine.

On June 19, 2007 the Commission received Berry's associate broker license renewal application. As part of the renewal application, Berry confirmed that he had complied with the continuing education requirement for renewal. Based on the information provided in the application, Berry's associate broker renewal license was issued effective June 19, 2007 with an expiration date of June 8, 2009.

By letter dated July 6, 2007 Berry 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 August 3, 2007 Berry submitted copies of continuing education course certificates totaling 19 clock hours (including the required core course) completed during his license renewal term.

Berry also submitted a course certificate for a course completed for the renewal of his license in June 2005.

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. Berry acknowledges all the facts set forth above as true to the best of his knowledge and belief.
2. Berry acknowledges that his conduct in certifying that he met the continuing education requirements for renewal when he had not completed 21 clock hours constitutes a violation of 32 M.R.S.A. §§ 13067(1)(F) and 13197.

3. Berry agrees to pay to the Commission a fine in the amount of \$500.00 on or before October 17, 2007. Payment shall be in the form of a bank check or money order made payable to the Treasurer of the State of Maine.

4. Berry agrees to submit a course certificate certifying completion of a minimum of 2 clock hours of continuing education within 10 days of the approval date of this Agreement. Berry agrees that the continuing education course hours completed to comply with this Agreement may only be used for the renewal of his license in June 2007.

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

Dated: 8/23/07


JEFFREY D. BERRY

Dated: 8/23/07

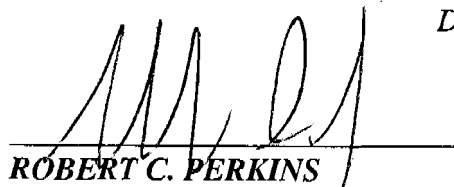

WITNESS

Dated: 8/30/07


CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED

Dated: 9/20/07


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


DAVID C. KITCHEN
Chairman
Maine Real Estate Commission