

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

MAINE REAL ESTATE COMMISSION

In Re:

Nicole M. Day-Foster)
Regency Realty Group) *CONSENT AGREEMENT*
762 Main Street)
South Portland, Maine)

INTRODUCTION

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

FACTS

Day-Foster is an associate broker licensed with Regency Realty Group doing business at 762 Main Street in South Portland, Maine.

On January 19, 2006 Day-Foster submitted to the Commission a sales agent license application. As part of the application, Day-Foster responded to the criminal conviction question (“have you ever been convicted by any court of any offense”) by checking off “no.” In reliance on the information provided by Day-Foster, the Commission issued the sales agent license with an expiration date of January 18, 2008.

On January 16, 2008 Day-Foster submitted to the Commission an associate broker license application. As part of the application, Day-Foster disclosed that she had been convicted of “Driving to Endanger” and “Operating after Suspension” after a police stop in September 2000. Day-Foster explained that she had previously understood the matters to be “traffic infractions.”

A search of the records of the Maine Bureau of Motor Vehicles confirms that Day-Foster was convicted of two criminal violations on March 30, 2001, specifically, “Driving to Endanger” and “Operating after Suspension.”

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. Day-Foster acknowledges all the facts set forth above as true to the best of her knowledge and belief.

2. Day-Foster acknowledges that the sales agent application filed with the Commission on January 19, 2006 was not properly completed in that she failed to disclose the two March 30, 2001 criminal convictions, which constitutes a violation of 32 M.R.S.A. §§ 13067(1)(F) and 13191(1) in effect at that time.

3. Day-Foster agrees to pay to the Commission a fine in the amount of \$200.00 on or before May 9, 2008. 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 Day-Foster by the Commission based upon the facts described herein, except that in the event that Day-Foster 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 Day-Foster 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 Day-Foster in the future.

Dated: 2-4-09

Nicole M. Day-Foster
NICOLE M. DAY-FOSTER

Dated: 2-4-08

[Signature]
WITNESS DAVID FOSTER

Dated: 2-5-08

[Signature]
CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED

Dated: 3/27/08

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

[Signature]
JEFFREY S. MITCHELL
Chairman
Maine Real Estate Commission