

ISSUE PRESENTED

This matter was brought by Petitioner pursuant to 32 M.R.S.A. § 13069(6)(C).

The issue presented to the Commission was whether the Petitioner has shown by a preponderance of the evidence that:

1. Respondent failed to comply with a Decision and Order by not paying the \$600 fine on or before November 17, 2007 and failing to timely document three clock hours of continuing education in violation of 10 M.R.S.A. § 8003(5-A)(A)(9).

FINDINGS OF FACT

1. Petitioner's Exhibits 1 through 5 were admitted. Karen Bivins testified that a copy of the complaint in this matter was mailed on February 21, 2008 to: Dennis D. Coffren, Jr., P.O. Box 261, North Anson, Maine 04958-0043, which was the last address on file for Mr. Coffren with the Commission. It was mailed by regular first class mail and certified mail, return receipt requested. The return receipt was returned with notations "refused" and unable to deliver as addressed and no forwarding address. The regular mail was not returned to the Commission. On February 2, 2008 Respondent signed for certified mail at this same address after an October mailing referred to hereafter had been returned as "refused" and provided an address in Lewiston. Service of the notice of hearing was properly made at the address on file with the Commission.

2. Ms. Bivins testified that there had been no communication to the staff of the Real Estate Commission from Mr. Coffren since the Notice of Hearing was mailed. Mr. Coffren had not signed in to the front desk at the Department of Professional and Financial Regulation on the hearing day prior to the beginning of the hearing. Ms. Bivins also testified that there were no written communications, telephone voice messages or e-mails from Mr. Coffren after the notice of hearing was mailed and up to the time of the hearing. An affidavit was admitted indicating that, according to the Department of Defense and Manpower Data Center, Mr. Coffren was not on active duty in the United States military service.

3. A Decision and Order was issued by the Commission against Dennis D. Coffren, Jr. on October 18, 2007. It required him to pay a \$600 fine to the Commission on or before November 17, 2007 and to report three hours of continuing education on or before November 17, 2007. The Decision and Order was forwarded to Mr. Coffren on October 18, 2007 at his address on record with the Commission. Mr. Coffren did not pay the fine set forth in the Decision and Order. The Decision and Order was again sent to Mr. Coffren by letter dated January 28, 2008 at the address on record with the Commission and also at 9 Tanglewood Drive, Apt. 4, Lewiston, Maine 04240. Mr. Coffren was notified to pay the fine and document the continuing education hours on or before February 28, 2008 or this hearing would proceed. The certified mail to the

North Anson address was signed for by Mr. Coffren on February 2, 2008. The mail sent to the Lewiston address was returned to the Commission by the Postal Service.

CONCLUSIONS OF LAW

Based on the above specific findings of fact and the additional evidence in the record not specifically referred to herein, and for all the reasons indicated on the record at hearing, the Commission made the following conclusion of law:

The Commission finds that the Respondent failed to comply with a Decision and Order by not paying the \$600 fine on or before November 17, 2007 and failing to document three clock hours of continuing education in violation of 10 M.R.S.A. § 8003(5-A)(A)(9).

RECORD VOTE

Sharon A. Millett	Affirmative
David C. Kitchen	Affirmative
Jeffrey S. Mitchell	Affirmative
Winfred A. Stevens	Affirmative

ORDER

Because of the Respondent's total failure to comply with the Decision and Order, the Commission hereby orders the immediate revocation of Mr. Coffren's associate broker license. The Commission finds that Mr. Coffren's response to this matter shows a total disregard for his licensing obligations, which reflects very poorly on how he

would comply with the Commission's other rules and orders. A revocation of his license is necessary to protect the interest of the public.

RECORD VOTE

Sharon A. Millett	Affirmative
David C. Kitchen	Affirmative
Jeffrey S. Mitchell	Affirmative
Winfred A. Stevens	Affirmative

DATED:

4/17/08



JEFFREY S. MITCHELL, Chairperson
Maine Real Estate Commission

APPEAL RIGHTS

Pursuant to 5 M.R.S.A. § 9061, the parties are hereby notified that they have a right to appeal the Commission's decision to the Superior Court pursuant to 10 M.R.S.A. § 8003(5-A) by filing a petition for review with that court within thirty (30) days of receipt of a copy of this Decision and Order. Pursuant to 10 M.R.S.A. § 8003(5-A) and 5 M.R.S.A. § 11002(3), any other person aggrieved by this Decision and Order who wishes to seek judicial review thereof has forty (40) days from the date this decision was rendered to petition the Superior Court for review.