

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

In Re:

Nancy L. Burke)	
Seacoast Region Real Estate Sales & Rentals LLC)	<i>CONSENT AGREEMENT</i>
PO Box 20)	
North Hampton, New Hampshire)	

INTRODUCTION

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

FACTS

Burke is the designated broker for Seacoast Region Real Estate Sales & Rentals LLC doing business at 22 A Maple Road in North Hampton, New Hampshire.

On January 3, 2008 the Commission received Burke’s designated broker license renewal application. As part of the renewal application, Burke confirmed that she had complied with the continuing education requirement for renewal. Based on the information provided in the application, Burke’s designated broker renewal license was issued effective January 3, 2008 with an expiration date of December 18, 2009.

By letter mailed on or about February 5, 2008 Burke was notified by the Commission that her name had been selected for an audit of the continuing education courses she had completed to qualify for renewal. Burke did not respond to the notice of audit.

A second notice of audit was sent to Burke on or about March 7, 2008. The second notice was sent by certified mail. The Director received notice that the March 7, 2008 notice of audit had been received by Burke on March 14, 2008. The March 7, 2008 notice instructed Burke to provide copies of her continuing education certificates within 10 days of the date of the letter and that if she failed to provide the certificates within 10 days disciplinary sanctions may be imposed against her license. Burke did not respond within the 10 days.


The Director called the phone number on file for Burke’s real estate company. On April 5, 2008 Burke left a voice mail message on the Director’s direct telephone line. Burke said she would fax copies of the certificates to the Commission office and that she was “short” on the number of hours required. As of April 16, 2008, Burke had not faxed or otherwise provided copies of her continuing education certificates.

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. Burke acknowledges all the facts set forth above as true to the best of her knowledge and belief.
2. Burke acknowledges that her conduct in failing to provide the documents requested in the notices of audit dated February 5, 2008 and March 7, 2008 constitutes a violation of 10 M.R.S.A. § 8003(5-A)(A)(11).
3. Burke agrees to pay to the Commission a fine in the amount of \$300.00 on or before June 17, 2008. Payment shall be in the form of a bank check or money order made payable to the Treasurer of the State of Maine.
4. Burke agrees to submit to the Commission copies of the certificates of the continuing education courses she completed to qualify for renewal of her license on January 3, 2008 within 10 days of the approval date of this Agreement.
5. The Director and the Commission agree that no further agency or legal action will be initiated against Burke by the Commission based upon the facts described herein, except that in the event that Burke 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 Burke 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 Burke in the future.

Dated: 5/2/08



NANCY L. BURKE

Dated: 5/2/08



WITNESS

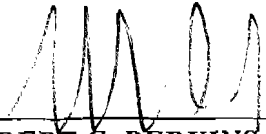
Dated: 5/5/08



CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED

Dated: 5/22/08



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



JEFFREY S. MITCHELL
*Chairman
Maine Real Estate Commission*