

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

MAINE REAL ESTATE COMMISSION

In Re:

Avery J. Caldwell)
Maine Home Registry) *CONSENT AGREEMENT*
PO Box 129)
Hampden, Maine)

INTRODUCTION

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

FACTS

Caldwell is the designated broker for Maine Home Registry doing business at 150 Emerson Mill Road in Hampden, Maine.

On July 8, 2008 Caldwell submitted to the Commission an application for the renewal of his designated broker license. As part of the application, Caldwell disclosed that he had been convicted of "Menacing by Stalking" on May 5, 2008. Caldwell did not notify the Commission of the May 5, 2008 criminal conviction within 10 days of the conviction.

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. Caldwell acknowledges all the facts set forth above as true to the best of his knowledge and belief.
2. Caldwell acknowledges that he failed to notify the Commission of the May 2008 criminal conviction within 10 days of the conviction which constitutes a violation of 10 M.R.S.A. § 8003(5-A)(A)(4) and 32 M.R.S.A. § 13195.
3. Caldwell agrees to pay to the Commission a fine in the amount of \$200.00 on or before November 14, 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 Caldwell by the Commission based upon the facts described herein, except that in the event that Caldwell 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 Caldwell 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 Caldwell in the future.

Dated: Aug 22, '08

Avery J. Caldwell
AVERY J. CALDWELL

Dated: Aug 22, '08

Dore H. Kowalski
WITNESS

Dated: 8/25/08

Carol J. Leighton
CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED

Dated: 9/10/08

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

Jeffrey Smithcell
JEFFREY SMITHCELL
Chairman
Maine Real Estate Commission