

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

MAINE REAL ESTATE COMMISSION

In Re:)
William C. Dignan)
The Masiello Group) **CONSENT AGREEMENT**
226 York Street)
York, Maine)
)

INTRODUCTION

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

FACTS

On October 5, 2005 Patricia P. Strater filed a complaint with the Maine Real Estate Commission against Dignan, a broker licensed with ERA The Masiello Group Real Estate, licensed now as The Masiello Group ("the agency"), located in York. Based upon the staff investigation, the Director determined the facts to be as follows:

On January 31, 2005 Ralph A. Pape ("Pape"), a broker licensed with the agency, listed for sale a single family home owned by Jonathan and Patricia Strater ("the Straters") located at 25 Bluestone Lane in York. The Straters' listing agreement expired on July 31, 2005. At all times relevant to this matter Pape had keys to the Straters' property.

During August of 2005 Dignan contacted Pape and asked to show the Strater property to buyer customers on August 14, 2005. Pape gave permission for Dignan to show the property. The Straters were not living at the property, and Pape stated it was not necessary to contact them.

On August 14, 2005 Dignan was unable to locate a key to the Straters' property at the agency. Dignan arrived at the property prior to the buyers. Upon searching for access to the property Dignan found none and attempted to contact a locksmith, and was told the locksmith was not available. Dignan eventually gained access to the property by using a hammer to break a glass window pane and unlatching the locked window. Dignan then showed the property to the buyer customers.

After the buyers left, Dignan began cleaning up the broken glass. During this process Patricia Strater arrived unexpectedly. Dignan told her what happened and she asked him to leave. Dignan contacted Pape and told him how he had gained access to the property and that Patricia Strater was upset. Pape went to the Strater property and told Patricia Strater that the broken window

pane would be repaired. Pape replaced the glass in the window pane that day. Within a few days the Straters' house keys were returned to them.

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. Dignan acknowledges all the facts set forth above as true to the best of his knowledge and belief.

2. Dignan acknowledges that he demonstrated a lack of professional judgment by breaking a window to gain access to the Strater property, which constitutes a violation of 32 M.R.S.A. § 13067(1)(A) in effect at that time.

3. Dignan acknowledges that he failed to act in a reasonably prudent manner in order to protect the interests of the principal, the real estate brokerage agency, by breaking a window to gain access to a property, which constitutes a violation of 32 M.R.S.A. § 13067(1)(G) in effect at the time.

4. Dignan agrees to the suspension of his real estate license for a period of 30 days, beginning on October 1, 2008, to be reinstated on October 31, 2008.

5. Dignan agrees to pay a fine in the amount of \$1,800.00. Payment shall be submitted to the Commission by October 21, 2008 and shall be payable to the Treasurer of the State of Maine.

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

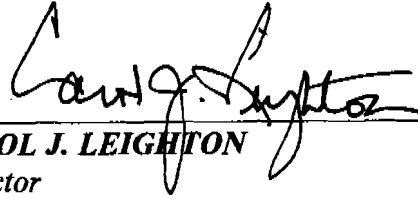
Dated: Sept. 8, 2008

William C. Dignan
WILLIAM C. DIGNAN

Dated: September 8, 2008

Karen H. Beane
WITNESS

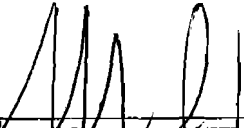
Dated: 9/9/08



CAROL J. LEIGHTON
Director
Maine Real Estate Commission

APPROVED

Dated: 9/10/08



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



JEFFREY S. MITCHELL
Chairman
Maine Real Estate Commission