

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

MAINE REAL ESTATE COMMISSION

In Re:

Edward B. Getty)
Getty Real Estate Services) *CONSENT AGREEMENT*
147 West Gray Road)
Gray, Maine)

INTRODUCTION

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

FACTS

Getty is the designated broker for Getty Real Estate Services doing business at 147 West Gray Road in Gray, Maine.

Getty was originally licensed by the Commission on December 4, 1987. Getty has been continuous licensed by the Commission since that date.

On November 5, 2003, Getty submitted an application to renew his broker license. As part of the renewal application, Getty checked off the “no” box to the following question: “(s)ince your last renewal, have you been convicted of a crime other than a minor traffic violation?” On August 12, 2008, Getty submitted an application for an agency license. As part of the agency license application, Getty checked off the “yes” box to the following question: “(h)as the agency, the designated broker or any of the applicant agency’s members, officers, or directors ever been convicted by any court of any offense?” Getty disclosed a “traffic violation – Driving to Endanger 2003.”

Records from the Maine Bureau of Motor Vehicle confirm that Getty was convicted of the criminal violation “Driving to Endanger” on September 9, 2003.

Getty did not notify the Commission of the September 9, 2003 criminal conviction within 10 days of the conviction and failed to disclose this conviction in response to the criminal conviction question on the November 2003 license renewal application.

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. Getty acknowledges all the facts set forth above as true to the best of his knowledge and belief.
2. Getty acknowledges that he failed to notify the Commission of his September 2003 criminal conviction within 10 days of the conviction which constitutes a violation of 32 M.R.S.A. § 13195.
3. Getty acknowledges that his failure to disclose the September 2003 criminal conviction as part of the license renewal application submitted to the Commission on November 5, 2003 constitutes a violation of 32 M.R.S.A. § 13067(1)(H) in effect at that time.
4. Getty agrees to pay a fine in the amount of \$400.00. The fine shall be submitted to the Commission by October 24, 2008 and shall be payable to Treasurer of the State of Maine.
5. The Director and the Commission agree that no further agency or legal action will be initiated against Getty by the Commission based upon the facts described herein, except that in the event that Getty 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 Getty 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 Getty in the future.

Dated: 09-08-08


EDWARD B. GETTY

Dated: 09-08-08

Karen P. White
WITNESS

Dated: 9/10/08


CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED

Dated: 9/10/06



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



JEFFREY S. MITHCELL
*Chairman
Maine Real Estate Commission*