

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

In Re:

Leland A. Boutwell)	
Mainestay Realty)	CONSENT AGREEMENT
PO Box 1467)	
Scarborough, Maine)	

INTRODUCTION

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

FACTS

Boutwell is a real estate broker licensed with Mainestay Realty doing business at 3 Pond View Drive in Scarborough, Maine.

On December 3, 2008 the Commission received Boutwell's real estate broker license renewal application. As part of the renewal application, Boutwell confirmed that he had complied with the continuing education requirement for renewal. Based on the information provided in the application, Boutwell's real estate broker renewal license was issued effective December 3, 2008 with an expiration date of October 18, 2010.

By letter mailed on or about January 5, 2009 Boutwell was notified by the Commission that his name had been selected for an audit of the continuing education courses he had completed to qualify for renewal.

On February 20, 2009 Boutwell submitted copies of continuing education course certificates totaling 18 clock hours completed during his license renewal term, including the required core course "What am I & Why is it Important." Boutwell also submitted a course certificate for a 3 clock hour course completed on February 19, 2009.

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

2. Boutwell acknowledges that his conduct in certifying that he met the continuing education requirement for renewal when he had not completed 21 clock hours of continuing education constitutes a violation of 10 M.R.S.A. § 8003(5-A)(A)(4) and 32 M.R.S.A. § 13197(1).

3. Boutwell agrees to pay a fine in the amount of \$500.00. The fine shall be submitted to the Commission by June 25, 2009 and shall be 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 Boutwell by the Commission based upon the facts described herein, except that in the event that Boutwell 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 Boutwell 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 Boutwell in the future.

Dated: 3-11-09


LELAND A. BOUTWELL

Dated: 3-11-09

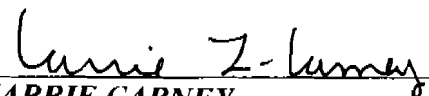

WITNESS

Dated: 3-18-09


CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED

Dated: 3/26/09


CARRIE CARNEY
Assistant Attorney General
Commission Counsel for the
Office of the Attorney General


SHARON A. MILLETT
Chairman
Maine Real Estate Commission