

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

MAINE REAL ESTATE COMMISSION

In Re:

Michael R. Bard)
Century 21 Surette Real Estate) *CONSENT AGREEMENT*
113 Silver Street)
Waterville, Maine)

INTRODUCTION

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

FACTS

Bard is a sales agent licensed with Century 21 Surette Real Estate doing business at 113 Silver Street in Waterville, Maine.

On August 25, 2009 Bard submitted a sales agent license application to the Commission. As part of that application, he responded to the criminal conviction question (“have you ever been convicted by any court of any offense?”) by checking the “yes” box on the application. Bard disclosed that he had been convicted of “indecent exposure” sometime 20-22 years ago. On August 27, 2009 the Director received a report from the State Bureau of Identification (“SBI”) for a person with the same date of birth as listed on Bard’ license application. The SBI report listed a “Public Indecency” conviction on August 9, 1988, a “Criminal Mischief ” conviction on August 23, 1988 and “Violating Protective Order” conviction on February 17, 1989.

On August 31, 2009 the Director contacted Bard regarding his response to the criminal conviction question. Bard confirmed that the “Public Indecency” conviction was his only conviction. The Director read the SBI report to Bard and he acknowledged that the date of birth, name and address listed on the SBI report matched his identification and address in 1988-89. Bard recalled the event that resulted in the “Violating Protective Order” conviction.

On September 2, 2009 Bard submitted a written amendment to the sales agent license application disclosing the August 23, 1988 “Violating Protective Order” conviction. In addition, Bard advised that he has no recollection of an event that may have resulted in a “Criminal Mischief” conviction in 1988.

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

2. Bard acknowledges that the license application filed with the Commission on August 25, 2009 was not properly completed in that he failed to disclose the August 23, 1988 criminal conviction, which constitutes a violation of 10 M.R.S.A. § 8003(5-A)(A)(1).

3. Bard agrees to pay to the Commission a fine in the amount of \$200.00. The fine shall be submitted to the Commission by January 16, 2010 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 Bard by the Commission based upon the facts described herein, except that in the event that Bard 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 Bard 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 Bard in the future.

Dated: 9/11/09/FRI.



MICHAEL R. BARD

Dated: 9/11/09



WITNESS *MICHAEL W. BROWN*

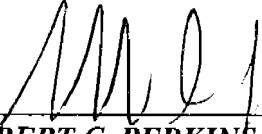
Dated: 10/2/09



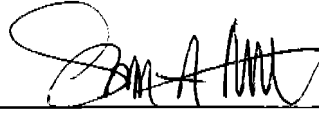
CAROL J. LEIGHTON
Director, Maine Real Estate Commission

APPROVED

Dated: 10/15/09



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



SHARON A. MILLETT
*Chairman
Maine Real Estate Commission*