

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

In Re:)
Christine D. Coughlan)
Keller Williams Realty) **CONSENT AGREEMENT**
50 Sewall Street)
Portland, Maine)

INTRODUCTION

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

FACTS

Coughlan is an associate broker licensed with Keller Williams Realty in Portland. Since December 2007 the agency has had an advertising policy that states, “[a]dvertising...may only be made on behalf of the company with the Designated Broker’s knowledge and consent.... Any associate web site shall be approved by the Team Leader to ensure compliance with the Maine Real Estate Commission...rules and regulations.”

At some time prior to September 2008 Coughlan posted an internet advertisement for property she had listed in Georgetown. The advertisement included an agency telephone number but did not include the agency trade name. In addition, there were included links to www.DeCourseyProperties.com and realestatetagingmaine.blogspot.com as well as a link to send Coughlan an email message. The internet advertisement continued to appear into July 2009. Coughlan stated that when she developed the advertisement, the website “was a new technology for me at the time I set up the account and I obviously did not master all the nuances of the editing features available.”

The link to www.DeCourseyProperties.com goes to a web page that identifies “DeCoursey Properties, Keller Williams Realty” and includes the following:

DeCoursey Properties, Keller Williams Realty, takes a different approach to real estate, one that is built on personal touches, win-win deals and positive results. The owner, Chris Coughlan brings over 15 years of experience in design to the process....

After being contacted by the Commission staff about the matter, Coughlan took steps to change the property specific website advertisement to prominently display the agency trade name.

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. Coughlan acknowledges all the facts set forth above as true to the best of her knowledge and belief.
2. Coughlan acknowledges that she advertised on behalf of the agency the sale of property without including the brokerage agency's trade name as licensed with the Commission, which constitutes a violation of 10 M.R.S.A. § 8003(5-A)(A)(5) and Chapter 410 Section 1(2) of the Maine Real Estate Commission Rules in effect at the time.
3. Coughlan acknowledges that she did not keep her designated broker fully informed of all activities conducted on behalf of the agency by not complying with the company advertising policy which required designated broker approval of all advertisement on behalf of the agency, which constitutes a violation of 10 M.R.S.A. § 8003(5-A)(A)(5) and Chapter 410 Section 13 of the Maine Real Estate Commission Rules in effect at the time.
4. Coughlan acknowledges that the language used at www.DeCourseyProperties.com of "DeCoursey Properties, Keller Williams Realty" and identifying Chris Coughlan as the owner is misleading, in violation of 10 M.R.S.A. § 8003(5-A)(A)(5) and Chapter 410 Section 1(7) of the Maine Real Estate Commission Rules.
5. Coughlan agrees to pay a fine in the amount of \$300.00. The fine shall be submitted to the Commission by October 30, 2009 and shall be payable to the Treasurer of the State of Maine.
6. Coughlan agrees to amend the www.DeCourseyProperties.com website to clarify that DeCoursey Properties is not a licensed entity, is not part of the agency trade name, and that she is not the owner of the agency. Coughlan agrees to make the appropriate changes no later than October 30, 2009.
7. The Director and the Commission agree that no further agency or legal action will be initiated against Coughlan by the Commission based upon the facts described herein, except that in the event that Coughlan 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 Coughlan 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 Coughlan in the future.

Dated: 9/29/09

Christine D. Coughlan
CHRISTINE D. COUGHLAN

Dated: 9/29/09

James H. Vos
WITNESS

Dated: 10/5/09

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

APPROVED

Dated: 10/15/09

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

Sharon A. Millett
SHARON A. MILLETT
Chairman
Maine Real Estate Commission