



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
REAL ESTATE COMMISSION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Janet T. Mills
Governor

Anne L. Head
Commissioner

Public Board Meeting
August 17, 2023
AGENDA

Location: 221 State Street, Augusta, ME 04330

Room: Central Conference Room

Information regarding virtual attendance to this meeting will be posted on the Board's website at:
<https://www.maine.gov/pfr/professionallicensing/professions/real-estate-commission/home/board-meeting-information>

Time: 9:00 a.m.

Contact: Shara Chesley, (207) 624-8521
Shara.Chesley@maine.gov

- I. CALL TO ORDER**
- II. AGENDA MODIFICATIONS AND APPROVAL**
- III. MINUTES REVIEW AND APPROVAL**
 - Review and approval of July 20, 2023 minutes
- IV. ADJUDICATORY HEARING**
 - 2023-REC-19220 – Director v. Lalah Kargar
- V. DISMISSALS**
 - A. 2020-REC-16935 B. 2020-REC-16951 C. 2020-REC-17032
- VI. DIRECTOR'S REPORT**
 - LD170
 - LD1306
- VII. PUBLIC COMMENT**

Under this item, the Commission will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Commission. While the Commission members cannot take action on any issues presented, the Commission will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Chair, a time limit on comments may be set.
- VIII. MEETING SCHEDULE**

Next meeting scheduled for September 21, 2023
- IX. ADJOURNMENT**

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www.maine.gov/professionallicensing

OFFICES LOCATED AT:
221 STATE STREET, AUGUSTA, ME 04330

Shara.Chesley@maine.gov

**Minutes of the Maine Real Estate Commission Meeting
July 20, 2023**

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
Edie Fontaine, Chair	Catherine Pendergast, Director
Leanne Nichols, Vice Chair	Jeffrey Hill, Deputy Director
Jane B. Towle	Jack Driscoll, Field Investigator
Forrest C. Peterson	Lisa Wilson, AAG
Charles Brawn	Regina Ritchie, Professional Licensing Supervisor
	Shara Chesley, Office Specialist I
<u>MEMBERS ABSENT</u>	Jen Maddox, Office Specialist I
None	

Location: 221 State Street Augusta, ME

Start: 9:00 a.m.

Adjourn: 9:24 a.m.

I. CALL TO ORDER

The meeting was opened by Chair Fontaine at 9:00 a.m.

II. AGENDA MODIFICATIONS

A motion was made by Towle and seconded by Nichols to add Dismissals 2020-REC-16945 and 2020-REC-16950 to agenda. Unanimous.

III. MINUTES REVIEW AND APPROVAL

A motion was made by Brawn and seconded by Nichols to approve the minutes of the June 15, 2023 meeting. Unanimous.

IV. ADJUDICATORY HEARING

2023-REC-19053 Daniel K. Twombly

The hearing was resolved with a signed consent agreement.

A motion to accept the Consent Agreement was made by Nichols seconded by Brawn. Unanimous.

V. DISMISSALS

A motion was made by Towle and seconded by Nichols to approve the dismissals in case numbers 2020-REC-16684; 2020-REC-16718; 2020-REC-16945; 2020-REC-16950; 2020-REC-16964 and 2020-REC-17033. Unanimous.

VI. DIRECTOR'S REPORT

The director introduced new Board Member Charles P. Brawn.

VII. PUBLIC COMMENT

None

VIII. MEETING SCHEDULE

The next meeting is currently scheduled for Thursday, July 20, 2023.

IX. ADJOURNMENT

A motion was made by Nichols and seconded by Towle to adjourn the meeting at 9:24 a.m. Unanimous.



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STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 111 - L.D. 170

**An Act to Clarify the Authority of the Director of the Real Estate
Commission to Investigate Complaints**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §13069, sub-§6, as amended by PL 2007, c. 402, Pt. BB, §15, is repealed and the following enacted in its place:

6. Investigations. The director may, in accordance with this subsection, investigate the actions of any licensee under this chapter, or any person or entity that assumes to act in a capacity requiring a license under this chapter, upon receipt of a written complaint or in accordance with the guidelines prescribed by the commission by rule.

A. If the director receives a written complaint under this subsection, the director shall review the complaint to determine whether the complaint describes a violation of law or rule that is within the authority of the commission to enforce. If the director determines that a complaint does not describe a violation of law or rule that is within the authority of the commission to enforce, the director shall notify the person who submitted the complaint of this determination. If the director determines that the complaint does describe a violation of law or rule that is within the authority of the commission to enforce, the director shall investigate the actions described in the complaint.

B. If the director undertakes an investigation under this subsection, either of a written complaint or in accordance with guidelines prescribed by the commission by rule, the director shall, upon completion of the investigation, take one of the following actions:

- (1) With the commission's approval, dismiss the complaint;
- (2) With the consent of the parties and subject to approval of the commission and commission counsel, execute a consent agreement; or
- (3) Issue a staff petition for hearing before the commission, which may include a recommended disposition.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 831 - L.D. 1306

**An Act to Protect Homeowners from Unfair Agreements to Exclusively List
Residential Real Estate for Sale**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §13177-B is enacted to read:

§13177-B. Unfair agreements to list residential real estate

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Long-term agreement" means a contract or agreement between a provider and an owner under which:

(1) The owner agrees to list the owner's residential real estate for sale with the provider at a future date; and

(2) Any portion of the real estate brokerage service to be provided under the contract or agreement by the provider may be performed more than 2 years after the date the contract or agreement becomes effective.

B. "Owner" means an owner of an interest in residential real estate.

C. "Provider" means a person or entity providing or offering to provide real estate brokerage services.

D. "Recording" means presenting a document to a register of deeds for official placement in the records of the registry of deeds.

E. "Residential real estate" means real estate consisting of not less than one nor more than 4 residential dwelling units.

2. Prohibited agreements. A provider may not enter into or offer to enter into a long-term agreement that purports to:

A. Bind any future owner not a party to the long-term agreement;

B. Allow for the assignment by the provider of a real estate brokerage service to a 3rd party without notice to or consent of the owner;

C. Create a lien, encumbrance or other real property security interest; or

D. Obligate the owner to pay a fee or commission to the provider upon a sale or transfer of the residential real estate when the sale or transfer is not the result of a real estate brokerage service provided by the provider.

3. Unfair trade practice. A violation of subsection 2 is a violation of the Maine Unfair Trade Practices Act.

4. Unenforceable; recording prohibited. A long-term agreement in violation of subsection 2 is unenforceable. A person may not record or cause to be recorded a long-term agreement in violation of subsection 2. A long-term agreement in violation of subsection 2 recorded in the State does not provide actual or constructive notice against an otherwise bona fide purchaser or creditor. If a long-term agreement is recorded in violation of this subsection, a party with an interest in the residential real estate that is the subject of that long-term agreement may apply to a District Court or Superior Court in the county where the recording occurred for an order declaring the long-term agreement void and of no effect.

5. Rights of recovery. If a long-term agreement is recorded in violation of subsection 4, a party with an interest in the residential real estate that is the subject of the long-term agreement may recover actual damages, costs and attorney's fees as may be proven against the party who recorded that long-term agreement.

6. Mechanic's lien. Nothing in this section affects a lien on residential real estate established under Title 10, section 3251.