

**Minutes of the Maine Real Estate Commission Meeting
May 15, 2025**

| <u>MEMBERS PRESENT</u> | <u>STAFF PRESENT</u> |
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| Leanne Nichols, Chairman | Catherine Pendergast, Director |
| Edith Fontaine | Jeffrey Hill, Deputy Director |
| Forrest C. Peterson | Lisa Wilson, AAG |
| Charles Brawn | Jazmyne Marks, Licensing Supervisor |
| | Shara Chesley, Office Specialist I |
| | Heidi Lincoln, Office Specialist I |
| <u>MEMBERS ABSENT</u> | |
| Jane B. Towle, Vice Chair | |
| | |

Location: 76 Northern Ave Gardiner, ME

Start: 9:00 a.m.

Adjourn: 12:28 p.m.

I. CALL TO ORDER

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

II. AGENDA MODIFICATIONS

A motion was made by Brawn and seconded by Peterson to add consent agreements 2022-REC-18543; 202-REC-18543(2); 2025-REC-20719 to the agenda. Unanimous.

III. RULEMAKING HEARING

Chapter 300: GENERAL INFORMATION
Chapter 340: COMPLAINTS AND INVESTIGATIONS
Chapter 350: ADJUDICATORY HEARINGS
Chapter 360: PREREQUISITES TO LICENSURE BY INDIVIDUALS
Chapter 370: CONTINUING EDUCATION
Chapter 390: LICENSING PRODEDURES AND REQUIREMENTS
Chapter 400: AGENCY/DESIGNATED BROKER RESPONISBILITIES
Chapter 410: MINIMUM STANDARDS OF PRACTICE

Recording started at 9:05 a.m.

Chair Nichols opened the Rulemaking hearing at 9:05 a.m. No public comments. Chair Nichols closed the public comments at 9:10 a.m.

Recording stopped at 9:10 a.m.

IV. ADJUDICATORY HEARING

2025-REC-20536 Director vs Benjamin M. Spencer

Hearing officer Rebekah Smith opened the hearing at 9:13 a.m. Benjamin M. Spencer was present and represented by Walter F. McKee. The director was present. AAG Reid Hayton-Hull presented the Director's case.

Recording started at 9:10 a.m.

Public Deliberations were conducted at the close of the hearing.

1. A motion was made by Brawn and seconded by Fontaine that a preponderance of the evidence demonstrated a violation pursuant to 32 M.R.S. § 13197(1). Unanimous.

2. A motion was made by Fontaine and seconded by Brawn that a preponderance of the evidence demonstrated a violation pursuant to 10 M.R.S. § 8003(5-A)(A)(5). Unanimous.
3. A motion was made by Brawn and seconded by Fontaine that a preponderance of the evidence demonstrated a violation pursuant to 32 M.R.S. § 13067-A(4) and 10 M.R.S. § 8003(5-A)(A)(1). Unanimous.
4. A motion was made by Brawn and seconded by Fontaine that a preponderance of the evidence demonstrated a violation pursuant to 32 M.R.S. § 13067-A(2) and 10 M.R.S. § 8003(5-A)(A)(1). Unanimous.

Sanctions

After several failed motions, a motion was made by Nichols and seconded by Brawn for sanctions including a fine of \$6,000.00 and a 45-day license suspension. Brawn, Fontaine and Nichols all voted in the affirmative. Peterson opposed. Motion carried.

A motion was made by Brawn and seconded by Fontaine that the 21 clock hours of continuing education completed between December 15 and December 17, 2024 will be used only for the renewal of this license in November 2024; the fine payment is due within 60 days of signature by the Chair of the Decision and Order; the 45-day suspension begins 30 days after the Decision and Order has been signed by Chair; and to allow the Chair to sign the Decision and Order when it is written; Unanimous.

Recording ended at 12:14 p.m.

V. MINUTES REVIEW AND APPROVAL

A motion was made by Brawn and seconded by Peterson to approve the minutes of the April 17, 2025 and April 4, 2025, meetings. Unanimous.

VI. PROPOSED DISMISSAL

A motion was made by Fontaine and seconded by Brawn to approve dismissals for 2022-REC-18364 and 2022-REC-18689. Unanimous.

VII. PROPOSED CONSENT AGREEMENTS

A motion was made by Brawn and seconded by Fontaine to approve consent agreements 2022-REC-18543; 2022-REC-18543(2); 2025-REC-20714; 2025-REC-20715. 2025-REC-20719. Unanimous.

VIII. DIRECTOR'S REPORT

- The Director provided an update on the current legislative session.
- The Director provided a rulemaking update that the rules will be open for comment until May 27, 2025.

IX. PUBLIC COMMENT

Beth Roybal

X. MEETING SCHEDULE

The next meeting is currently scheduled for Thursday July 17, 2025.

XI. ADJOURNMENT

A motion to adjourn was made by Brawn and seconded by Fontaine at 12:28 p.m. Unanimous.