

**Minutes of the Maine Real Estate Commission Meeting
February 16, 2023**

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
Edie Fontaine, Chair	Catherine Pendergast, Director
Leanne Nichols, Vice Chair	Jeffrey Hill, Deputy Director
Gail Rizzo	Regina Ritchie, Professional Licensing Supervisor
Jane B. Towle	Elizabeth Moulton, Office Specialist I
	Misty Robinson, Office Specialist I
	Jack Driscoll, Field Investigator
<u>MEMBERS ABSENT</u>	Lisa Wilson, AAG
Forrest C. Peterson	

Location: 221 State Street Augusta, ME **Start:** 9:03 a.m. **Adjourn:** 1:36 p.m.

I. CALL TO ORDER

The meeting was opened by Chair Fontaine at 9:03 a.m.

II. AGENDA MODIFICATIONS

A motion was made by Towle and seconded by Nichols to add 2023-REC-18899; 2023-REC-18912; 2023-REC-18916; and 2023-REC-18919 as proposed consent agreements.

III. MINUTES REVIEW AND APPROVAL

A motion was made by Nichols and seconded by Rizzo to approve the minutes of the January 19, 2023. Unanimous.

IV. ADJUDICATORY HEARING

2022-REC-18669 Heather J. Campbell

Hearing Office Rebekah Smith opened the hearing at 9:06am. Heather J. Campbell was present but was not represented by counsel. The director was present. AAG Michael Miller presented the Director's case.

Public deliberations were conducted at the close of the hearing.

1. A motion was made by Nichols and seconded by Rizzo that a preponderance of the evidence proved a violation pursuant to 10 M.R.S. § 8003(5-A)(A)(9) Unanimous;
2. A motion was made by Towle and seconded by Nichols that a preponderance of the evidence proved a violation pursuant to 32 M.R.S. §13067-A(1) Unanimous;
3. A motion was made by Towle and seconded by Rizzo a preponderance of the evidence proved a violation pursuant to 32 M.R.S. §13067-A(2) Unanimous;
4. A motion was made by Nichols and seconded by Towle that a preponderance of the evidence proved a violation pursuant to 32 M.R.S. §13067-A(2) Unanimous;
5. A motion was made by Towle and seconded by Rizzo that a preponderance of the evidence proved a violation pursuant to 32 M.R.S. §13067-A(9) Unanimous;
6. A motion was made by Towle and seconded by Rizzo to find that as required by 32 M.R.S. §13191(5), Ms. Campbell has not demonstrated that she has the required good reputation for honesty, truthfulness, fair dealing, and competency. Unanimous

A motion to uphold the license denial was made by Nichols and seconded by Towle. Unanimous.

A motion was made by Towle and seconded by Rizzo to allow Commission Chair Fontaine to sign the Decision and Order when it is written. Unanimous.

2022-REC-18678 Patrick J. MULLOWNEY

Commission Chair Fontaine opened the hearing at 12:11pm. Patrick J. MULLOWNEY was present and was represented by counsel. The Director was present. Commission staff person Jeffrey Hill presented the Director's case. Assistant Attorney General Lisa Wilson was in attendance to advise the Commission.

Public deliberations were conducted at the close of the hearing.

A motion was made by Towle and seconded by Rizzo to find a violation of 32 M.R.S. § 13197(1). Unanimous.

A motion was made by Towle and seconded by Rizzo to order Respondent to pay a fine of \$2,000.00 with payment being made within 30 days and payable to the Treasurer of the State of Maine; the 17 clock hours of continuing education completed on October 13, 2022 may be used only for the renewal of his license in August 2022; and license suspension for a period of 90 days beginning on March 1, 2023 with reinstatement on May 31, 2023. Towle, Rizzo and Fontaine voted in the affirmative. Nichols opposed.

V. PROPOSED CONSENT AGREEMENTS

Fontaine recused and left the conference room.

A motion was made by Towle and seconded by Rizzo to approve proposed consent agreement in case number: 2020-REC-16363. Unanimous.

Fontaine returned to the conference room.

Nichols recused and left the conference room.

A motion was made by Towle and seconded by Rizzo to approve proposed consent agreement in case number: 2022-REC-18770 and 2022-REC-18910. Unanimous.

Nichols returned to the conference room.

Commission Member Jane Towle left the meeting at 1:30pm.

A motion was made by Nichols and seconded by Rizzo to approve proposed consent agreements in case numbers: 2023-REC-18899; 2023-REC-18912; 2023-REC-18914; 2023-REC-18916; & 2023-REC-18919. Unanimous.

VI. DIRECTOR'S REPORT

Director Pendergast provided an update on LD 170.

VII. PUBLIC COMMENT

None.

VIII. MEETING SCHEDULE

The next meeting is currently scheduled for Thursday, March 16, 2023.

IX. ADJOURNMENT

A motion was made by Nichols and seconded by Rizzo to adjourn the meeting at 1:36 p.m. Unanimous.