

# Minutes of the Maine Real Estate Commission Virtual Meeting

February 18, 2021

<b><u>MEMBERS PRESENT</u></b>	<b><u>STAFF PRESENT</u></b>
David Kitchen, Chair	Jeffrey Hill, Deputy Director
Edie Fontaine, Vice-Chair	Bruce Osborne, Field Investigator
Gail Rizzo	Catherine Pendergast, Education Coordinator
	Kim Baker, Office Specialist I
	Lisa Wilson, AAG
<b><u>MEMBERS ABSENT</u></b>	Debbie Fales, Office Specialist I
Donald Plourde	

**Location:** Virtual      **Start:** 9:00 a.m.      **Adjourn:** 11:12 a.m.

## **CALL TO ORDER**

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

## **AGENDA MODIFICATIONS**

A motion was made by Rizzo and seconded by Fontaine to add proposed consent agreement in case number 2021-REC-17211. Unanimous.

## **MINUTES REVIEW AND APPROVAL**

A motion was made by Fontaine and seconded by Rizzo to approve the minutes of the January 21, 2021 virtual meeting. Unanimous

## **DECISION AND ORDER**

A motion was made by Fontaine and seconded by Rizzo to approve the decision and order in case number 2020-REC-16975; Director v. Ashraf B. Eldeknawey. Unanimous.

## **COMPLAINT PRESENTATIONS**

A motion was made by Fontaine and seconded by Rizzo to approve the proposed consent agreements in case numbers: 2021-REC-17169 and 202-REC-17211. Unanimous.

## **ADJUDICATORY HEARINGS**

### **2020-REC-16941 Director v. James V. D'Amico**

Commission Chair Kitchen opened the hearing at 9:10 a.m. Mr. D'Amico was present but was not represented by an attorney. Commission Staff Bruce Osborne 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 at 9:39 a.m.

A motion was made by Fontaine and seconded by Rizzo that there was evidence to support the allegation in Count I pursuant to 32 M.R.S. § 13197(1) and Commission Rules Chapter 370 Section 10(A) and is grounds for discipline under 10 M.R.S § 8003(5-A)(A)(4) and (5). Unanimous.

A motion was made by Kitchen and seconded by Fontaine to order the respondent to pay a fine of \$3000.00 within 30 days and the license be suspended for a period of 90 days. The 21 hours of continuing education completed between September 3 and September 8, 2020 may only be used for the July 2020 license renewal. Unanimous.

#### **2020-REC-16944 Director v. Mark D. Lomas**

Commission Chair Kitchen opened the hearing at 9:59 a.m. Mr. Lomas was present but was not represented by an attorney. Commission Staff Bruce Osborne 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 at 10:35 a.m.

A motion was made by Fontaine and seconded by Rizzo that there was evidence to support the allegation in Count I pursuant to 32 M.R.S. § 13197(1) and is grounds for discipline under 10 M.R.S § 8003(5-A)(A)(4). Unanimous.

A motion was made by Fontaine and seconded by Rizzo to order the respondent to pay a fine of \$1200.00 within 90 days. The respondent to submit within 10 days a course certificate showing completion of 3 clock hours of approved continuing education. The 6 clock hours completed on July 26, 2020 may only be used for the July 2020 license renewal. Unanimous.

#### **2020-REC-17118 Director v. Michael Hotarek**

Commission Chair Kitchen opened the hearing at 10:51 a.m. Mr. Hotarek was present but was not represented by an attorney. Commission Staff Bruce Osborne 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 at 11:06 a.m.

A motion was made by Fontaine and seconded by Rizzo that there was evidence to support the allegation in Count I pursuant to Commission Rules Chapter 370, Section 10(A) and is grounds for discipline under 10 M.R.S § 8003(5-A)(A)(5). Unanimous.

A motion was made by Fontaine and seconded by Rizzo to order the respondent to pay a fine of \$750.00 within 30 days. The respondent may use the 3 clock hour core course completed on December 28, 2020 only for the November 2020 license renewal. Unanimous.

#### **DIRECTOR'S REPORT**

None.

#### **PUBLIC COMMENT**

None.

#### **MEETING SCHEDULE**

The next meeting is currently scheduled for Thursday, March 18, 2021.

#### **ADJOURNMENT**

A motion was made by Rizzo and seconded by Fontaine to adjourn the meeting at 11:12 a.m. Unanimous.