

Minutes of the Maine Real Estate Commission Virtual Meeting

July 15, 2021

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
David Kitchen, Chair	Karen Bivins, Director
Edie Fontaine, Vice-Chair	Jeffrey Hill, Deputy Director
Gail Rizzo	Bruce Osborne, Field Investigator
Donald Plourde	Catherine Pendergast, Education Coordinator
	Kim Baker, Office Specialist I
<u>MEMBERS ABSENT</u>	Lisa Wilson, AAG
None	Elizabeth Moulton, Office Specialist I

Location: Virtual **Start:** 9:03 a.m. **Adjourn:** 10:18 a.m.

CALL TO ORDER

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

AGENDA MODIFICATIONS

A motion was made by Plourde and seconded by Rizzo to add the proposed dismissal in case number: 2019-REC-15531 and proposed consent agreement in case number: 2021-REC-17527. Unanimous.

MINUTES REVIEW AND APPROVAL

A motion was made by Fontaine and seconded by Rizzo to approve the minutes of the June 17, 2021 virtual meeting. Plourde abstained; Fontaine, Rizzo and Kitchen voted in the affirmative. Motion carried.

DECISION AND ORDER 2021-REC-17378 Director v. Kenneth J. Knowles

A motion was made by Kitchen and seconded by Fontaine to approve the Decision and Order in case number 2021-REC-17378 as presented. Plourde abstained; Fontaine, Rizzo and Kitchen voted in the affirmative. Motion carried.

COMPLAINT PRESENTATIONS

Kitchen recused and was placed in the waiting room.

A motion was made by Plourde and seconded by Rizzo to approve proposed consent agreement in case number: 2021-REC-17528. Plourde, Fontaine and Rizzo voted in the affirmative; Kitchen recused. Motion carried.

Kitchen was returned to the meeting.

A motion was made by Rizzo and seconded by Plourde to approve proposed consent agreements in case numbers: 2021-REC-17473, 2021-REC-17476, 2021-REC-17512, 2021-REC-17527, 2021-REC-17553, 2021-REC-17555, and 2021-REC-17566. Unanimous.

A motion was made by Plourde and seconded by Rizzo to approve the proposed dismissal in case number 2019-REC-15531. Unanimous.

ADJUDICATORY HEARING 2021-REC-17442 Director v. Andrew K. McRichards

Commission Chair Kitchen re-opened the hearing at 9:20 a.m. Mr. McRichards was not present. The Director was present. Assistant Attorney General Lisa Wilson was in attendance to advise the Commission.

Public deliberations were conducted. Plourde abstained from the discussion and vote as he was not present at the beginning of the hearing held on June 17, 2021.

A motion was made by Rizzo and seconded by Fontaine 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). Plourde abstained; Rizzo, Fontaine and Kitchen voted in the affirmative. Motion carried.

A motion was made by Rizzo and seconded by Fontaine to order the respondent to pay a fine of \$750.00 and to submit verification of successful completion of the "Core Course for Brokers and Associate Brokers – 4" within 30 days The course may only be used for the March 2021 license renewal. Plourde abstained; Rizzo, Fontaine and Kitchen voted in the affirmative. Motion carried.

ADJUDICATORY HEARING 2021-REC-17529 Director v. Suzanne V, Melhorn

Commission Chair Kitchen opened the hearing at 9:24 a.m. Ms. Melhorn 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 conclusion of the hearing at 9:57.

A motion was made by Plourde 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 Plourde and seconded by Rizzo to order the respondent to pay a fine of \$750.00 and to submit verification of successful completion of the "Core Course for Brokers and Associate Brokers – 4" within 30 days The course may only be used for the May 2021 license renewal. Unanimous.

DIRECTOR'S REPORT

The Department will be reviewing all Board and Commission rules for compliance with P.L. 167.

Review documents will be prepared for the August meeting for a thorough review and discussion of Commission Rules Chapters 400 and 410.

PUBLIC COMMENT

None.

MEETING SCHEDULE

The next meeting is currently scheduled for Thursday, August 19, 2021 which will be held in person at the office in Gardiner.

ADJOURNMENT

A motion was made by Plourde and seconded by Rizzo to adjourn the meeting at 10:18 a.m. Unanimous.