STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

REAL ESTATE COMMISSION

Janet T. Mills
Governor

Penny Vaillancourt
OPOR Director

Joan F. Cohen
Commissioner

Real Estate Commission Public Meeting
August 20, 2026
AGENDA

Location: 76 Northern Ave. Gardiner, ME 04345

Room: Central Conference Room

Time: 9:00 a.m.

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

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

I. CALL TO ORDER

II. AGENDA MODIFICATIONS AND APPROVAL

III. ADJUDICATORY HEARING
Director v. Scott M. Moreau

IV. MINUTES REVIEW AND APPROVAL
Review and approval of July 22, 2026, minutes.

V. PROPOSED DISMISSALS
2023-REC-19371

VI. PROPOSED CONSENT AGREEMENTS
Reconsideration 2023-REC-19421

VII. RULEMAKING
Presentation of Basis Statement and Summary and Response to Comments & Small Business Impact Statement for proposed Rulemaking:

Repeal and Replace:
Chapter 410: Minimum Standards of Practice

Potential to vote to adopt.

Office Location: 76 Northern Avenue, Gardiner, Maine 04345
Mailing Address: 35 State House Station, Augusta, Maine 04333
Real Estate Commission | Office of Professional and Occupational Regulation
Phone: (207) 624-8521 TTY: Please Call Maine Relay 711 Shara.Chesley@maine.gov

VIII. DIRECTOR'S REPORT

- Education Recommendation for discussion.
- Next scheduled meeting date discussion.

IX. 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, except for any open application or complaint. While the Commission 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 Commission Chair, a time limit on comments may be set.

X. MEETING SCHEDULE

Next meeting scheduled for September 17, 2026.

XI. ADJOURNMENT

STATE OF MAINE
REAL ESTATE COMMISSION

IN RE:
SCOTT M. MOREAU
Case 2026-REC-21359

NOTICE OF HEARING

On August 20, 2026 at 9:00 am, the Real Estate Commission ("Commission") will conduct an adjudicatory hearing under the authority of 10 M.R.S. § 8003(5-A) to hear evidence and determine whether grounds exist for the Commission to impose discipline upon Scott M. Moreau's license to practice as a real estate associate broker in the state of Maine. The hearing will take place at 76 Northern Avenue in Gardiner, Maine, with an option for parties to participate remotely. The hearing may be continued on additional dates if necessary.

<u>GROUNDS FOR IMPOSING DISCIPLINE</u>

Pursuant to 10 M.R.S. § 8008, the sole purpose of the Commission is to protect the public health and welfare, and the Commission carries out this purpose by ensuring that the public is served by competent and honest practitioners. At the hearing, the Commission will determine whether, by a preponderance of the evidence, grounds exist to impose discipline upon the license of Scott M. Moreau ("Mr. Moreau") as follows:

i. Pursuant to 32 M.R.S. § 13197(1)[1] and 10 M.R.S. § 8003(5-A)(A)(4) for failing to complete 21 clock hours of continuing education "within 2 years prior to the date of application";

ii. Pursuant to 02-039 C.M.R. ch.370, § 8(1) and 10 M.R.S. § 8003(5-A)(A) (5) for failing to complete the required core course prior to submitting his renewal application; and

iii. Pursuant to 32 M.R.S. § 13067-A(4), 32 M.R.S. § 13067-A(6), and 10 M.R.S. § 8003(5-A)(A)(1) for attesting on his license renewal application that he had, at that time, successfully completed 21 clock hours of continuing education including the required core course, when in fact he had not.

<u>SUBJECT MATTER OF HEARING</u>

The purpose of this hearing is for the Commission to examine the conduct of Mr. Moreau, determine his compliance or noncompliance with Commission laws and rules, and decide whether to impose discipline against his license. The alleged facts of this matter include, but are not limited to, the following:

1. Mr. Moreau is currently licensed as an associate broker (BA 917712).

[1] This requirement is also found in the Commission's rules at 02-039 C.M.R. ch. 370, § 8(1).

2. The Commission first licensed Mr. Moreau to practice real estate brokerage as an associate broker on May 9, 2014.

3. At all times pertinent, Mr. Moreau was affiliated with The Aland Realty Group in Kittery, Maine.

4. On April 18, 2026, Mr. Moreau completed the online license renewal application.

5. On the renewal application, Mr. Moreau was asked whether he met the continuing education (CE) requirements. The question went on to state "Please note that a YES answer to this question means that at the time that you submit this renewal application online, that you have already successfully completed the 21 hours." Mr. Moreau answered "Yes" to the question.

6. As part of his renewal application, Mr. Moreau submitted course certificates for 21 clock hours of continuing education, including the Maine Buyer Relationships core course, all of which were completed prior to his last renewal in 2024 and were used to satisfy his continuing education requirement in 2024.

7. His most recent licensing term required 21 hours of CE between May 9, 2024 and the date of the renewal application (April 18, 2026), but zero were submitted with the online application.

8. The current required core course, Reasonable Care & Diligence, was not completed prior to the date of his renewal application.

9. On May 11, 2026, Moreau submitted course certificates for 21 clock hours of continuing education, including the current core course, all of which were completed on May 5 and May 6, 2026, after he had renewed his license.

POTENTIAL COMMISSION ACTIONS

If the Commission finds by a preponderance of the evidence admitted at hearing that there are one or more grounds for imposing discipline against Mr. Moreau's license, the Commission may impose any combination of the forms of discipline permitted under 32 M.R.S. § 13068(2) and 10 M.R.S. § 8003(5-A)(B), including:

1. Denial or refusal to renew a license;

2. The issuance of a warning, censure, or reprimand;

3. A license suspension of up to 90 days for each violation of applicable laws, rules, or conditions of licensure or for each instance of actionable conduct or activity;

4. A license revocation;

5. The imposition of civil penalties of up to $2,000 for each instance of actionable conduct or activity; and

6. The imposition of conditions of probation, which may include additional continuing education, mandatory professional or occupational supervision of the licensee, practice restrictions, and other conditions as the Commission determines appropriate.

DIRECTOR'S RECOMMENDATION

The Director respectfully requests that the Commission:

1. Determine that Mr. Moreau's failure to complete 21 clock hours of continuing education prior to submitting his renewal application constitutes a violation of 32 M.R.S. § 13197(1) and is grounds for discipline under 10 M.R.S. § 8003(5-A)(A)(4).

2. Determine that Mr. Moreau's failure to complete the required core course prior to submitting his renewal application constitutes a violation of 02-039 C.M.R. ch.370, § 8(1) and is grounds for discipline under 10 M.R.S. § 8003(5-A)(A)(5).

3. Determine that Mr. Moreau's misrepresentation on his license renewal application that he had, at that time, successfully completed 21 clock hours of continuing education including the required core course, when in fact he had not, constitutes grounds for discipline under of 32 M.R.S. § 13067-A(4), 32 M.R.S. § 13067-A(6), and 10 M.R.S. § 8003(5-A)(A)(1).

4. Order Mr. Moreau to pay a fine of $3,000.00 with payment being submitted to the Commission within 30 days.

5. Order the suspension of Mr. Moreau's associate broker license for a period of 90 days, beginning on November 1, 2026, with reinstatement on January 30, 2027.

6. Order that the 21 clock hours of continuing education, including the current core course, submitted by Mr. Moreau on May 11, 2026 may be used **only** to satisfy the renewal of his license in April 2026.

7. Grant such other relief as the Commission deems just and proper.

CONDUCT OF HEARING

This hearing will be held in accordance with the applicable provisions of the Maine Administrative Procedure Act, 5 M.R.S. §§ 9051–9064 and Commission Rules 02-039 C.M.R. Chapter 350.

Commencement of Adjudicatory Proceeding. By issuing this notice the Commission now commences an adjudicatory proceeding under Title 5, chapter 375, subchapter 4 of Maine Revised Statutes.

Hearing Officer. The Commission has contracted with a Hearing Officer who will regulate the course of the hearing and assist the Commission in its efforts. The Hearing Officer's duties include ruling on procedural issues prior to hearing, acting as the presiding officer at the hearing, and drafting a written decision as directed by the Commission that contains the findings and conclusions made by the Commission at the hearing.

Director. Pursuant to 32 M.R.S. § 13069(5) and 02-039 C.M.R. Ch. 350, § 5, the Director, this the counsel of an assistant attorney general, will facilitate the presentation of this matter to the Commission by gathering and offering relevant evidence, modifying the complaint grounds and alleged facts as appropriate, examining witnesses, filing appropriate motions, and responding to motions and objections of the licensee.

Licensee. Mr. Moreau will have the right to be represented by an attorney at his own expense. Mr. Moreau may testify before the Commission, call other witnesses to testify on his behalf, and may cross-examine any witnesses who testify against him. Mr. Moreau may present written evidence to the Commission and may make oral or written argument to the Commission.

Intervention. Applications for intervention pursuant to 5 M.R.S. § 9054 will be accepted up to seven (7) days in advance of the hearing, except for good cause shown.

Failure to appear. Failure to appear at the scheduled hearing may result in a hearing in absentia or disposition by default, and information obtained during the hearing may be used in subsequent legal proceedings. Any such default may be set aside for good cause shown.

Dated: July 15, 2026

Catherine E. Pendergast

CATHERINE E. PENDERGAST
Director, Maine Real Estate Commission

Minutes of the Maine Real Estate Commission Meeting
July 22, 2026

MEMBERS PRESENT	**STAFF PRESENT**
Jane B. Towle, Chairman	Catherine Pendergast, Director
Leanne Nichols, Vice Chair	Jeffrey Hill, Deputy Director
Edith Fontaine	John Belisle, AAG
	Christian Petersen, Investigator
	Shara Chesley, Office Specialist I
	Heidi Lincoln, Office Specialist I
MEMBERS ABSENT	

Location: 76 Northern Ave Gardiner, ME **Start**: 9:01 a.m. **Adjourn:** 9:52 a.m.

I. CALL TO ORDER
The meeting was opened by Chair Towle at 9:01a.m.

II. RULEMAKING HEARING
Chapter 410: Minimum Standards of Practice

Recording started at 9:05 a.m.

Chair Towle opened the Rulemaking Hearing at 9:05 a.m. No public comments. Chair Towle closed the hearing at 9:11 a.m.

Recording stopped at 9:11 a.m.

III. AGENDA MODIFICATIONS
A motion was made by Fontaine and seconded by Nichols to add consent agreement 2026-REC-21477. Unanimous.

IV. MINUTES REVIEW AND APPROVAL
A motion was made by Nichols and seconded by Fontaine to approve the minutes of the June 18, 2026, meeting. Unanimous.

V. PROPOSED DISMISSAL
Nichols recused and left the meeting.

A motion was made by Fontaine and seconded by Towle to approve dismissal 2023-REC-19381. Fontaine and Towle voted in the affirmative. Motion passed.

Nichols rejoined the meeting.

A motion was made by Nichols and seconded by Fontaine to approve proposed dismissals 2023-REC-19571 and 2023-REC-19708. Unanimous.

VI. PROPOSED CONSENT AGREEMENTS

A motion was made by Nichols and seconded by Fontaine to approve consent agreement 2023-REC-19421. Towle voted in the affirmative. Nichols and Fontaine opposed. Motion failed.

A motion was made by Nichols and seconded by Fontaine to send consent agreement 2023-REC-19421 back to staff to amend the agreement to include a 14-day suspension. Unanimous.

A motion was made by Nichols and seconded by Fontaine to approve consent agreement 2026-REC-21477. Unanimous.

Commission members reviewed and discussed a request for reconsideration of a revised agreement for 2026-REC-21260 which included sanctions of a $1,000 fine and 60-day license suspension. A motion was made by Nichols and seconded by Fontaine to offer licensee the revised consent agreement with no additional changes. Fontaine and Towle voted in the affirmative. Nichols opposed. Motion carried.

VII. DIRECTOR'S REPORT

The Director discussed the next steps in the Rulemaking process for Chapter 410: Minimum Standards of Practice. The written comment period ends on August 3, 2026. Comments received will be presented for consideration at the next meeting.

VIII. PUBLIC COMMENT

None

IX. MEETING SCHEDULE

The next meeting is currently scheduled for Thursday, August 20, 2026.

X. ADJOURNMENT

A motion was made by Nichols and seconded by Fontaine to adjourn the meeting at 9:52 a.m. Unanimous.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

039 OFFICE OF PROFESSIONAL AND OCCPUATIONAL REGULATION

REAL ESTATE COMMISSION

BASIS STATEMENT AND SUMMARY AND RESPONSES TO COMMENTS

Basis Statement: The Real Estate Commission (the "Commission") is charged by the Legislaturewith the regulation of real estate brokerage in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to **:** 32 M.R.S. §§ 13065, 13272, 13273, 13280.

The proposed rulemaking would repeal and replace the following chapter:

Chapter 410, Minimum Standards of Practice

The principal reason for this proposed rulemaking was (1) clarify the confidentiality provision for buyer names and addresses and (2) respond to the Joint Standing Committee on Housing and Economic Development's request that the Commission review the rules and standards of practice and adopt further rule changes to combat deed fraud.

Notice of the proposed rulemaking was published in the Maine Secretary of State weekly notice on July 1, 2026, in the Portland Press Herald, the Kennebec Journal, the Bangor Daily News, and the Sun Journal on July 1, 2026, posted on the Real Estate Commission webpage on July 1, 2026; bill sponsors were provided a copy of the proposed rulemaking on July 1, 2026; interested parties were emailed a copy of the rulemaking package on July 1, 2026. The Fact Sheet was filed with the Legislative Council on June 24, 2026.

The Board held a public hearing on July 22, 2026 at 9:00 AM, to take oral comments, and continued to accept written comments through 5:00 pm on August 3, 2026.

Summary of Comments and Responses:

The Commission received one comment on the proposed rule:

Maine Association of Realtors

The Maine Association of Realtors (MAR) surveyed their directors and designated brokers for feedback. They said that some responses were supportive of the proposed rule and thought it would encourage agencies to create their own policy for seller verification. Other responses expressed concerns about the rule being too vague and subjective.

Commission Response: The Commission thanks the commenter but does not adopt the comment.

OR

Commission Response: The Commission thanks the commenter and adopts the comment and will clarify Section 13(4) ……..how?

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Comments on Maine Real Estate Commission Rulemaking Proposal

Hannah McMullen, Esq. on behalf of the Maine Association of REALTORS®

July 30, 2026

Chair Towle, Vice Chair Nichols and members of the Maine Real Estate Commission, my name is Hannah McMullen. I am the Legal and Government Affairs Counsel for the Maine Association of REALTORS®, a professional trade association established in 1936 with over 6,500 members statewide. REALTORS® protect private property rights, build Maine communities, and grow our state's economy. Our members represent buyers and sellers involved in both residential and commercial real estate transactions. Our membership also includes industry affiliates, such as lenders, closing agents, title agents, appraisers, building inspectors, surveyors, etc. The Maine Association is chartered by the National Association of REALTORS® (NAR), the largest trade association in the country.

The Maine Association of REALTORS® (MAR) appreciates the Commission's prompt consideration of the Joint Standing Committee on Housing and Economic Development's request to review the rules and standards of practice to address the prevalent issue of seller impersonation fraud.

We recognize that seller fraud is a nationwide concern that continues to evolve and has become more sophisticated over time. As we have seen from the work being done on a national level with the Uniform Law Commission, there is not likely a one-size fits all approach to prevent fraud and some cases might have unique circumstances. However, we encourage our members to continually be cautious and implement industry best practices to try to minimize the risk of fraudulent attempts in real estate transactions.

In response to the proposed rulemaking on seller verification in Chapter 410 Section 13(4), we surveyed our Directors and Designated Brokers for feedback. Almost half of those that responded reported already having an agency policy in place regarding seller verification. Some reported examples of what steps agencies currently take to verify seller identity include the following:

- Have a phone conversation with Seller or meet in person/zoom. Do not rely solely on electronic communication.
- Request to meet Seller at property or ask Seller for a local contact who can provide access to property.
- Ask for a copy of Seller's photo identification.
- Use member resources such as FOREWARN to research the Seller and crosscheck information.
- Conduct research with town records, registry of deeds, google search and social media among other sources.
- Send tracked mail to the address on the tax bill.
- Review documents verifying Seller's authority to sell such as deed, POA, probate documents, divorce decree etc.

Overall, some of the responses we received were supportive of the proposed rule and thought that it encouraged agencies to create their own policy on seller verification. However, other responses expressed concerns about the proposed rule being too vague and subjective. Some of the concerns are highlighted below:

- “Reasonable steps to verify the identity of a seller” is not defined and is subjective.
- Need more specific guidance or clear guidelines about what licensees should be doing to “verify identity.”
- What does it mean to “*verify* identity” and is this the best word choice? Does it mean to “inquire”, “check”, “confirm”, “authenticate” or something else? There is a significant concern that depending on how this is interpreted it could be outside the scope of expertise for real estate licensees and they are not qualified to “verify” or “authenticate” someone’s identity. With fraud becoming increasingly sophisticated, it may sometimes be difficult for even law enforcement professionals to accurately “verify” a fraudster’s identity and/or detect a false photo identification.
- Clarify that licensees are expected to exercise reasonable diligence but are not guarantor’s of a seller’s identity. Even diligent professionals may encounter sophisticated fraud. The standard should be whether a licensee acted prudently based on the information reasonably available at the time.
- Would like examples of what is reasonable and what is not.
- What is the standard for reasonableness and “appropriate to the risk”?
- Concern about additional liability.
- Concern about data breaches if agencies retain copies of personal identification.
- Concern about AI and other technologies which make it more difficult to catch fraud.
- “Appropriate to the risk” is not defined and “higher risk situations” is not defined enough.
- What are the consequences, if any?
- Consider additional guidance through further rule clarification or creating best practices or guidelines.
- Establish a safe harbor for licensees who follow Commission approved procedures in good faith.

We appreciate the Commission’s thoughtful analysis during the rulemaking process and their openness to receiving feedback from industry stakeholders, including the Maine Association of REALTORS®.

Thank you for your consideration of our comments and your work on behalf of consumers and Maine’s real estate industry.

Small Business and Economic Impact Statement

(5 M.R.S. § 8052(5-A))

AGENCY: 02-039, Department of Professional and Financial Regulation, Office of Professional of Occupational Regulation, Maine Real Estate Commission

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON: Catherine E. Pendergast, 35 State House Station, Augusta, ME 04333-0035, 207-624-8518, TTY: Maine relay 711, Catherine.Pendergast@maine.gov

CHAPTER NUMBER AND RULE TITLE:

Chapter 410: Minimum Standards of Practice

TYPES AND NUMBER OF SMALL BUSINESSES SUBJECT TO THE RULE: The Commission currently licenses 950 agencies, 169 branch offices and 7,596 licensees. Title 5 M.R.S. § 8052 (5-A) defines "small business" as businesses that have 20 or fewer employees. The Maine Real Estate Commission does not collect sufficient information to reliably estimate the number of licensees that are small businesses as defined in 5 M.R.S. § 8052(5-A).

PROJECTED REPORTING, RECORD-KEEPING AND OTHER ADMINISTRATIVE COSTS REQUIRED FOR COMPLIANCE WITH THE PROPOSED RULE, INCLUDING THE TYPE OF PROFESSIONAL SKILLS NECESSARY FOR PREPARATION OF THE REPORT OR RECORD: Minimal.

PROBABLE IMPACT ON AFFECTED SMALL BUSINESSES: None known.

LESS INTRUSIVE OR LESS COSTLY, REASONABLE ALTERNATIVE METHODS OF ACHIEVING THE PURPOSES OF THE PROPOSED RULE: None.

To: Maine Real Estate Commission
From: Maine Association of REALTORS®
Date: July 17, 2026
Subject: Qualifying and Continuing Education Recommendations

The Maine Association of REALTORS® formed a Real Estate Education Task Force comprised of REALTORS® from across Maine including REALTORS® from private real estate education schools. Over a series of meetings, the task force reviewed Qualifying Education Guidelines, Real Estate Commission Rules and previous recommendations from the MAR 2021 Real Estate Education Task Force,

MAR Real Estate Education Task Force Recommendations

1) Incorporate case study work in the Sales Agent qualifying education guidelines.

2) Require Sales Agent qualifying education to include a synchronous component (live/hybrid component with student-instructor live interaction).

3) As part of the Field Experience Form, require licensees to participate in or observe at least one of each of the following: seller consultation, buyer consultation and closing. Also, provide general clarification on this form's introduction page that "Field Experience" requires active participation and experiential learning by the licensee.

4) Update the Field Experience Form to include a section to indicate whether a core course was completed in compliance with Rule Chapter 390, Section 1(2)(D), including date the course was completed, name of the education provider, and signature of the Designated Broker.

5) Require an additional core course for Sales Agents with specific topics such as well, septic, title and financing and/or update the Associate Broker qualifying education topics.

6) As a condition before granting a Sales Agent license extension, require completion of a core course similar to the requirement before obtaining the Associate Broker license (Rule Chapter 390, Section 1(2)(D)).

7) Add a requirement for reciprocal licensees to take the current core course in addition to the Maine Law course.