

# Minutes of the Maine Real Estate Commission

December 17, 2015

| <b><u>MEMBERS PRESENT</u></b> | <b><u>STAFF PRESENT</u></b>                 |
|-------------------------------|---|
| Adam Shub, Chairman           | Karen Bivins, Director                      |
| David Kitchen                 | Jeffrey Hill, Deputy Director               |
| Donald Plourde                | Bruce Osborne, Field Investigator           |
| Cathy Manchester              | Catherine Pendergast, Education Coordinator |
|                               | Kim Baker, Office Specialist I              |
|                               | Deborah Fales, Office Specialist I          |
| <b><u>MEMBERS ABSENT</u></b>  | Robert Perkins, AAG                         |
| Joan Chrane                   |   |
|                               |   |

**Location:** Central Conference Room

**Start:** 9:10 a.m.

**Adjourn:** 1:00 p.m.

## **Agenda Modifications**

None

## **Commission Minutes**

A motion was made by Kitchen and seconded by Plourde to approve the minutes of the November 19, 2015 meeting. Unanimous.

## **Decisions And Orders**

A motion was made by Kitchen and seconded by Plourde to approve the Decision and Order in case number 2015-REC-11365, Director v. Derik P. Eisenberg, as presented. Unanimous.

## **Proposed Consent Agreements and Dismissals**

Shub recused and left the room.

A motion was made by Kitchen and seconded by Manchester to accept the Proposed Consent Agreement in case number: 2015-REC-11704. Shub recused; Manchester, Kitchen and Plourde voted in the affirmative. Motion Carried.

A motion was made by Kitchen and seconded by Manchester to accept the Proposed Dismissal in case number: 2015-REC-11113. Shub recused; Manchester, Kitchen and Plourde voted in the affirmative. Motion Carried.

Shub returned to the room.

Manchester recused and left the room.

A motion was made by Kitchen and seconded by Plourde to accept the Proposed Dismissal in case number: 2015-REC-10936. Manchester recused; Shub, Kitchen and Plourde voted in the affirmative. Motion Carried.

A motion was made by Plourde and seconded by Kitchen to accept the Proposed Consent Agreements in case numbers: 2015-REC-11722 and 2015-REC-11719. Motion failed because Manchester was still recused and should have voted.

Manchester returned to the room.

A motion was made by Kitchen and seconded by Plourde to accept the Proposed Consent Agreements in case numbers: 2015-REC-11722 and 2015-REC-11719. Unanimous.

A motion was made by Plourde and seconded by Kitchen to accept the Proposed Dismissal in case numbers: 2015-REC-11032 and 2015-REC-11202. Unanimous.

### **Director's Report**

The Director discussed possible topics for the next core course with the Commission which included: record keeping/organization; case studies; file preservation; file security; and archiving.

The Commission was updated on a new licensing procedure where the designated broker will be receiving an emailed copy of licenses rather than a hard copy. This new method of distribution will be in place within the next couple of months.

### **Hearings**

Commission Chair Adam Shub opened the hearing at 9:34 a.m. in the matter of **Kathleen Rae-Lawson v. Director**. Ms. Rae-Lawson was present and was not represented by an attorney. The Director was present and represented by Assistant Attorney General Robert Perkins. Public deliberations were conducted at the close of the hearing.

The Board initially discussed the Director's interpretation of Title 32 MRSAS13067-A(9) in issuing the license denial and unanimously agreed.

A motion was made by Kitchen and seconded by Plourde to overturn the license denial issued by the Director on October 20, 2015. Manchester opposed; Shub, Plourde and Kitchen voted in the affirmative. Motion Carried.

A motion was made by Kitchen and seconded by Plourde to amend the original motion to include a provision in the Decision and Order that the licensee's designated broker will provide significant supervision beyond that which is required of a sales agent. Manchester opposed; Shub, Plourde and Kitchen voted in the affirmative. Motion Carried.

A motion was made by Kitchen and seconded by Plourde to further amend the original motion to include a final review of the Decision and Order for approval at the January 14, 2016 meeting. Manchester opposed; Shub, Plourde and Kitchen voted in the affirmative. Motion Carried.

### **Meeting Dates**

The next meeting is scheduled for Thursday, January 14, 2016.

### **Adjournment**

The meeting adjourned at 1:00 p.m.

This report respectfully submitted,  
Kim Baker, Office Specialist I