

§13069. Director

1. Appointment. The Commissioner of Professional and Financial Regulation, with the advice of the Real Estate Commission and subject to the Civil Service Law, shall appoint a director of the commission.

[PL 1987, c. 395, Pt. A, §212 (NEW).]

2. Duties. The director is responsible for the management of the commission's affairs, within the guidelines, policies and rules established by the commission and for carrying out the duties allocated to the director under this chapter. Duties of the director may be carried out by the director's designee, other than a member of the commission.

[PL 1987, c. 395, Pt. A, §212 (NEW).]

3. Employees.

[PL 1999, c. 687, Pt. F, §8 (RP).]

4. Disposal of fees; expenses.

[PL 1995, c. 502, Pt. H, §44 (RP).]

4-A. Real estate account.

[PL 2007, c. 402, Pt. BB, §14 (RP).]

5. Advocate. The director shall seek to protect the interests of the public and the industry in the administration of this chapter. In this capacity, the director may serve as an advocate in any proceeding before the commission, presenting evidence and argument in support of a recommended disposition.

[PL 1987, c. 395, Pt. A, §212 (NEW).]

6. Investigations. The director may, in accordance with this subsection, investigate the actions of any licensee under this chapter, or any person or entity that assumes to act in a capacity requiring a license under this chapter, upon receipt of a written complaint or in accordance with the guidelines prescribed by the commission by rule.

A. If the director receives a written complaint under this subsection, the director shall review the complaint to determine whether the complaint describes a violation of law or rule that is within the authority of the commission to enforce. If the director determines that a complaint does not describe a violation of law or rule that is within the authority of the commission to enforce, the director shall notify the person who submitted the complaint of this determination. If the director determines that the complaint does describe a violation of law or rule that is within the authority of the commission to enforce, the director shall investigate the actions described in the complaint. [PL 2023, c. 114, §1 (RPR).]

B. If the director undertakes an investigation under this subsection, either of a written complaint or in accordance with guidelines prescribed by the commission by rule, the director shall, upon completion of the investigation, take one of the following actions:

- (1) With the commission's approval, dismiss the complaint;
- (2) With the consent of the parties and subject to approval of the commission and commission counsel, execute a consent agreement; or
- (3) Issue a staff petition for hearing before the commission, which may include a recommended disposition. [PL 2023, c. 114, §1 (RPR).]

C. [PL 2023, c. 114, §1 (RP).]

[PL 2023, c. 114, §1 (RPR).]

7. Subpoenas. The director may issue subpoenas to compel the attendance of witnesses at hearings and to compel the production of documents and other records deemed necessary in connection with the administration of this chapter. Whenever a person refuses to obey a subpoena duly issued by the

director, the Superior Court for Kennebec County or any court of this State, within the jurisdiction of which the person resides or transacts business, shall have jurisdiction to issue to that person an order requiring him to comply with the subpoena and any failure to obey that order may be punished by the court as contempt. Refusal to obey the director's subpoena also constitutes a violation of this chapter. [PL 1987, c. 395, Pt. A, §212 (NEW).]

8. Denial of licenses. The director may only issue a license to persons or entities meeting the requirements of this chapter. If it appears to the director that grounds for denial of a license or renewal exists, the director shall deny the license or renewal and notify the applicant in writing of the basis for denial together with notice of the applicant's right to a hearing before the commission, if requested in accordance with commission rules within a 30-day period. The director shall not issue a license to any applicant for renewal if the license has been expired for more than 90 days, unless the applicant passes the license examination designated by commission rule for this purpose.

[PL 1987, c. 395, Pt. A, §212 (NEW).]

SECTION HISTORY

PL 1987, c. 395, §A212 (NEW). PL 1995, c. 502, §§H43-45 (AMD). PL 1999, c. 129, §6 (AMD). PL 1999, c. 129, §16 (AFF). PL 1999, c. 687, §§F8,9 (AMD). PL 2007, c. 402, Pt. BB, §§14, 15 (AMD). PL 2023, c. 114, §1 (AMD).

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