

MAINE STATE LEGISLATURE

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January 11, 1955

To Doris St. Pierre, Secretary, Real Estate Commission
Re: Advertisement in Bangor Daily News

I have your memorandum of January 7th with enclosures and the same are herewith returned.

I have read the ad and the statement by the Bangor Board of Realtors and have reviewed the law. Under subsection I of Section 8 of Chapter 84 of the Revised Statutes of 1954 a license may be revoked for misleading and untruthful advertising with knowledge that such advertising is misleading and untruthful. Of course you have referred to subsection N of said Section 8, which is the catch-all provision relative to revocation.

I have read and reread this ad and cannot personally interpret it as being grossly misleading. Perhaps some explanation on the part of the Board might change my interpretation. I do not feel that the reference to all other real estate agencies means that he is associated with all other real estate agencies. I think that it could well mean that if he was associated with other real estate agencies, the brokerage basis would be as stated. Could we prove that he had never been associated with any other real estate agency? The clearing-house proposition is a form of listing and he holds it out as a service to agents and sellers alike, and says that it will enable people to move their real estate quickly. Who can say that this will not be true? It does not appear to me that it is untrue or even misleading.

Perhaps it would be well for the Commission to write him a letter giving their interpretation of the ad and perhaps warning him, if you feel that this is warranted. As I see the picture at the moment, if suspension or revocation were to be given him on the basis of these allegations alone, I do not feel that such suspension or revocation would be sustained on judicial review.

Roger A. Putnam
Assistant Attorney General

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