

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333
January 13, 1976

James D. Riordan, Chairman
Board of Real Estate Brokers and Salesmen
State of Maine
State House Annex
Augusta, Maine 04333

Dear Mr. Riordan:

This is in response to your letter of December 16, 1975, inquiring whether Board member Elaine Littlefield's various activities in connection with the Maine Association of Realtors' conflict with the discharge of her obligations as a member of the Board of Real Estate Brokers and Salesmen. You identify member Littlefield as Secretary of the Association of Realtors and Assistant to the Chief Executive Officer of that Association. For the latter services she receives some compensation. She also contemplates becoming the paid executive officer of a multiple listing agency to be organized as a subsidiary of the Association of Realtors. You do not indicate the nature of the conflict you see, but I assume from the figures you cite that at least a majority of the matters brought before the Board will not involve the Realtor's Association or Realtors as a group.

In my opinion these associations do not necessarily and invariably conflict with Ms. Littlefield's duties as a member of the Board of Real Estate Brokers and Salesmen, although a conflict might come into existence with respect to particular issues presented to the Board for decision if that decision affected Ms. Littlefield's personal business, the affairs of persons with whom she is associated in business, or the affairs of the Association or listing service in which she holds office and is employed. Participation of the members of licensing

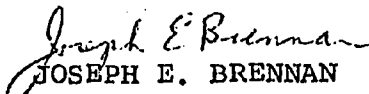
James D. Riordan, Chairman
January 13, 1976
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boards in the businesses, trades, or professions they regulate does not automatically amount to a conflict of interest. Such participation is, indeed, an interest of those Board members that has been acknowledged and in some instances even required by the Legislature. It necessarily follows that participation in an identifiable segment of the regulated occupation likewise does not in and of itself create a conflict of interest.

Unlike an executive or administrator of State government, who may have sole final responsibility for the enforcement of a regulatory statute, a member of a board such as yours may be disqualified from participating in a particular decision without disabling the Board. Clearly when the personal business interests of any Board member are directly involved in a matter before the Board or would be affected directly by a Board decision, that member should disqualify himself or herself.

If you have any further questions about this matter, do not hesitate to raise them with me.

Yours very truly,


JOSEPH E. BRENNAN
Attorney General

JEB:pm