



Illinois Department of Financial and Professional Regulation

Division of Profession Regulation - Real Estate

PAT QUINN
Governor

MICHAEL T. MCRAITH
Acting Secretary

DANIEL BLUTHARDT
Director
Division of Professional Regulation

MINUTES REAL ESTATE ADMINISTRATION & DISCIPLINARY BOARD FEBRUARY 19, 2009

The Real Estate Administration and Disciplinary Board convened at 11:15 a.m. on February 19, 2009, at the Department of Financial & Professional Regulation Division of Professional Regulation, 500 East Monroe, Springfield, Illinois for the purpose of conducting a general business meeting.

The following member(s) were present for all or part of the meeting:

Ron Hardgrove, Chairman – Real Estate
Judie McConville, Member
Paul Park, Member
Patrick Sharpe, Member
Walter Son, Member

The following member(s) were excused from the meeting:

Carol Shields, Member

Also present for all or part of the meeting:

Young Brockhouse, Acting Chief Testing Officer
Mark Oaks, Education Coordinator
Ernest Hernandez, Chief of Investigations
John Botner, Chief of Prosecutions
Debra Dolinski, Board Liaison/Administrative Assistant

APPROVAL OF MINUTES:

Motion: A motion made/seconded to approve the January 22, 2009 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

AGENCY UPDATE:

John Rogers is the new real estate investigator that started on February 9, 2009; Young Brockhouse has been promoted to Acting Chief Testing Officer for DPR; he will be supervising the section that administers licensing examinations for all professions within the Division.

EDUCATIONAL ADVISORY COUNCIL (EAC):

EAC approved the following number of applications on February 19, 2009:

- 3 CE Schools
- 39 CE courses
- 6 CE instructors
- 1 CE course deferred

LICENSING:

The Licensing report reflecting the number of all professional licenses issued within the Real Estate Bureau for January 2009 was distributed. The report does not include the number of inoperative licenses; for salespersons, there are approximately 8,000 that have an inoperative status.

Licensing has sent out approximately 58,000 postcards to salespersons notifying them that they are able to renew their license by internet or by automated phone at this time. In the middle of March, salespersons who have not renewed their license will receive, by mail, a renewal application form.

Report was given on the passing rate for broker and salesperson's State Examinations through December 2008.

Home Inspectors renewed their licensed in November of 2008; only 38% renewed.

Active Real Estate Licensees for January

All Licensees	85,847
Brokers	27,032
Salespersons	49,690
Leasing agents	1,069

EXAMINATIONS:

There was not an Examination Report distributed. All examiners continue to work on the investigation aged caseload.

INVESTIGATIONS:

Mr. Hernandez verbally reported that the investigators and examiners have closed or referred to Prosecutions over 100 cases since January 1, 2009. John Rogers, a new investigator, has officially started the Department; an investigator is on vacation for a month. There are 675 open cases which is a decrease from 900 open cases back in July 2008. There are also 82 cases coming before the Board today to be approved for closure or refer to Prosecutions.

PROSECUTIONS:

Distributed was the Prosecution Report reflecting the total real estate cases in Legal; and the activity for the month of January 2009. Mr. Botner mentioned that Prosecutions are moving the cases but there has been an increase of cases being referred in the past several months.

OLD BUSINESS:

Mr. Hardgrove received the supplement for the current Broker Management Course that will take affect for the 2010 Broker Renewal; it will be reviewed by Mr. Hardgrove, Mr. Brockhouse, and Mr. Oaks. The tentative dates for the instructors training update; will be the week of March 23rd in Springfield then some in Chicago which has not been scheduled for it to be available for the Brokers by the middle of April. The goal is replace the current Broker Management Course with the revise Broker Management Course by April 17, 2009.

On February 9th, AMP started offering the new broker simulation test at all testing locations. Mr. Hardgrove obtained candidates' email addresses from AMP that were scheduled to take the exam to asked for their input of the exam; 1 stated that it was horrible, 2 stated it was pretty bad, and several liked the test and thought it was very realistic. Mr. Hardgrove will continue to ask for input from the candidates; should have more feedback for the next meeting.

NEW BUSINESS:

Mr. Hardgrove discussed the changes in the proposed License Law Rewrite; a new broker must complete a 30 hours post license course of which half of the hours must be classroom that will be approved by EAC; for a new managing broker, licensee must be licensed as a broker or salesperson 2 of the last 3 years, complete 45 hours of post license course of which 15 hours must be classroom and must obtain a managing broker certificate within 90 days; continuing education: 12 hours for Brokers and Salespersons, 24 hours for managing brokers; for existing salespersons: they must upgrade to a broker's license and complete 30 hours of post license and pass an exam or pass the proficiency exam; for existing managing brokers, must complete 45 hours before the 2012 renewal or pass the proficiency exam; address of record will be the sponsoring broker's address; licensee writing offers on the same property on behalf of multiple clients be require to provide written disclosure to all buyer clients. The Board further discussed the issue of licensees providing written disclosure to all buyer clients.

DELIBERATIONS:

At 12:07 p.m., a motion made/seconded to go into closed session to deliberate on disciplinary matters on February's CRC recommendations pursuant to the provisions of Section 2 of the Open Public Meeting Act. Motion passed unanimously.

DPR v. Tonya Harvey #2008-05601

DPR v. Philip Ducato #2008-09097

DPR v. Loretta Grigler #2008-01118

DPR v. Patricia Nielsen #2008-02527

REOPEN THE MEETING:

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 1:25 p.m.

RATIFICATIONS:

Case File Review Committee Members for February were Judie McConville, Ron Hardgrove, John Botner.

Motion made/seconded to ratify the 38 cases recommended for closure from Investigations with 1 case transferred to Prosecutions and 3 cases remaining in investigations from the memo dated January 30, 2009. Motion passed unanimously.

Motion made/seconded to ratify the 19 cases being referred to Prosecutions from Investigations 2 cases being closed, 17 cases closed with the issuance of an administrative warning letter, and 3 cases closed with the issuance of a compliance directive from the memo dated January 30, 2009. Motion passed unanimously.

Motion made/seconded to ratify the 1 case recommended for closure by Prosecutions from the memo dated January 30, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 9 cases recommended for closure by Prosecutions from the memo dated February 19, 2009. Motion passed unanimously.

RECOMMENDATIONS:

DPR v. Loretta Grigler #2008-01118

Motion made/second that the above-mentioned is fined \$5,000.00. Motion passed unanimously.

DPR v. Patricia Nielsen #2008-02527

Motion made/seconded that the above-mentioned be granted the issuance of a salesperson license placed on probation for 1 year with sponsoring broker submitting quarterly reports. Motion passed unanimously.

FINDINGS/CONCLUSIONS/RECOMMENDATIONS:

The Board signed Findings of Fact, Conclusions of Law and Recommendations to the Director:

DPR v. Joseph Varan #2004-60694

MOTION:

Motion made/seconded that Prosecutions may issue an administrative warning letter or compliance directive to respondent (s) on blind advertisements prior to Board's approval. Motion passed unanimously.

ADJOURNMENT:

Motion made/seconded to adjourn the meeting at 1:30 pm. Motion passed unanimously. The next scheduled meeting of the Real Estate Administration and Disciplinary Board is March 19, 2009 at 100 W. Randolph, Chicago, Illinois.

APPROVED:

Respectfully submitted,

REAL ESTATE ADMINISTRATION
AND DISCIPLINARY BOARD

Ron Hardgrove, Real Estate Director

DATE: _____

Debra Dolinski, Liaison