



# Illinois Department of Financial and Professional Regulation

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## Division of Profession Regulation - Real Estate

**ROD R. BLAGOJEVICH**  
Governor

**DEAN MARTINEZ**  
Secretary

**DANIEL BLUTHARDT**  
Director  
Division of Professional Regulation

### MINUTES REAL ESTATE ADMINISTRATION & DISCIPLINARY BOARD May 22, 2008

The Real Estate Administration and Disciplinary Board convened at 11:15 a.m. on May 22, 2008, at the Department of Financial & Professional Regulation Division of Professional Regulation, 100 W. Randolph, Chicago, 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  
Toni Sherman, Member  
Carol Shields, Member  
Patrick Sharpe, Member  
Walter Son, Member

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

Patrick Sharpe, Member

Also present for all or part of the meeting:

John Botner, Chief of Prosecutions  
Ernest Hernandez, Chief of Investigations  
Young Brockhouse, Manager of Licensing & Education  
Mark Oaks, Education Coordinator  
Craig Capilla, Staff Attorney  
Debra Dolinski, Board Liaison/Administrative Assistant

### APPROVAL OF MINUTES:

**Motion:** A motion made/seconded to approve the April 10, 2008 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

## **AGENCY UPDATE:**

Board Members were not introduced (or reintroduced) to several staff members of enforcement. Investigations have a new investigator that's been interviewed and approved but hasn't started yet; there are two new investigator's position to be posted soon. Enforcement has hired a temp and hopefully we'll be contracting law students.

Mr. Hardgrove reported the update on the 4 legislative bills that affect the real estate industry.

Mr. Brockhouse reported that the system conversion from CLEAR to ILES is running smooth; we currently do not have the CE licensee look-up working and it might be several months before it will be available; and the website doesn't show the sponsoring broker's name to the sponsored licensee.

Mr. Hardgrove discussed the seminar that he attended at the ARELLO conference held in April at Pasadena that addressed license portability between the states; at the NAR luncheon there was further discussion on license portability, mostly for commercial brokers. The Board discussed the advantage of offering this type of license.

Mr. Brockhouse reported that 78% of the brokers have renewed their license which is approximately 24,000. REEF indicates that 22,192 brokers have passed the Broker Management course; there are approximately 4500 active attorneys which are exempt from completing this course. Based on these figures, the Division is expecting to have fewer problems with the Broker CE Audit from the last renewal period due to the public awareness on CE requirements.

## **EDUCATIONAL ADVISORY COUNCIL (EAC):**

EAC approved the following number of applications at today's meeting:

- 6 CE courses
- 3 CE instructors
- 1 pre-license instructor
- 1 pending approval for a CE-license instructor
- 13 requests for an extension to complete Broker CE
- 1 request for credit for out-of-state CE

## **LICENSING:**

The Licensing report reflecting the number of all professional licenses issued within the Real Estate Bureau for April 2008 was distributed. Continuing Education Schools, continuing education courses, continuing education instructors are in renewal; leasing agent's renewal applications are being printed and/or being mailed. As of January 1, 2008, Appraisal raised the qualifications in obtaining an appraisal license.

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

### **Active Real Estate Licensees for April**

All Licensees	96,982
Brokers	30,917
Salespersons	54,908
Leasing agents	1,333

## **EXAMINATIONS:**

Distributed was the examination report dated May 8, 2008 that was categorized by “Examinations Completed by Examiner – Licensees with First Examination”, “Examinations Completed by Examiner – Compliance Review,” and “Examinations – 60 Day Follow-Up” for the month of April. For the month of April, Examinations have conducted 25 audits by using the “Brokerage Verification Report.” Examiners completed 46 examinations. The compliance review showed 2 with no pending issues with 1 being “referred to supervisor”; the 60 day follow up showed 49 offices in compliance, 3 offices “referred to supervisor.” Examinations Referred to Supervisor – Closed showed 1 issue resolved; 2 offices have an examination after referral; and 1 “no licensed activity” and 1 being “referred to Prosecutions.”

The examiners are continuing to audit schools that are offering the Broker Management Course. The examiners are checking the rosters, presentations, conduct of the attendees, the administration of the test and the facilities.

## **INVESTIGATIONS:**

Mr. Hernandez verbally reported that there are 867 open cases; a new investigator that was interviewed and approved will be starting June 16<sup>th</sup>. The activity for the month was low due to 2 investigators leaving the department, 1 was in school and 1 was working on a project.

## **PROSECUTIONS:**

The Prosecution’s Report was distributed to the Board. Mr. Botner reported the caseload numbers, case activity for April, the upcoming formal hearings and informal conferences.

## **NEW BUSINESS:**

Mr. Capilla mentioned to the Board the new procedures that Prosecutions are taking to process the case-log more efficiency. Mr. Hardgrove mentioned the type of disciplinary action the Division is taking on technical violations on cases being close from Investigations and/or cases being referred to Prosecutions from Investigations. Mr. Hardgrove further discussed the steps that are being taken to fast track cases in Investigations and Prosecutions. Examiners are going to be reassigned for 60 days to assist the cases in Investigations. The Division is looking for the Board Members to activity participate in reviewing cases in both Investigations and Prosecutions to recommend the further actions to be taken.

## **DELIBERATIONS:**

At 12:16 p.m., a motion made/seconded to go into closed session to deliberate on disciplinary matters and May’s CRC recommendations pursuant to the provisions of Section 2 of the Open Public Meeting Act. Motion passed unanimously.

**DPR v. Daniel Larson #2007-61039**  
**DPR v. Arnold Delveaux #2007-60980**  
**DPR v. James Gvazdinskas #2007-61026**  
**DPR v. Donald Welch #2007-61165**  
**DPR v. David Patel #2007-61060**  
**DPR v. Leonard Zaslavsky #2007-61182**  
**DPR v. Chaya Small #2007-61126**

**DPR v. Joseph Bachewicz #2007-60942**  
**DPR v. Glenford Martinez #2007-60849**  
**DPR v. David Mandel #2000-61745**

**REOPEN THE MEETING:**

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 1:10 p.m.

**RECOMMENDATIONS:**

Upon reconvening in open session, motion was made, seconded to approve as presented consent orders in the following cases:

**DPR v. Daniel Larson #2007-61039**  
**DPR v. Arnold Delveaux #2007-60980**  
**DPR v. James Gvazdinskas #2007-61026**  
**DPR v. Donald Welch #2007-61165**  
**DPR v. David Patel #2007-61060**  
**DPR v. Leonard Zaslavsky #2007-61182**  
**DPR v. Chaya Small #2007-61126**  
**DPR v. Joseph Bachewicz #2007-60942**  
**DPR v. Glenford Martinez #2007-60849**

**RATIFICATIONS:**

Case File Review Committee Members for May 21, 2008 were Walter Son, Ron Hardgrove and John Botner.

Motion made/seconded to ratify the 16 cases recommended for closure from Investigations from the memo dated May 1, 2008 with 2 cases remaining in investigations. Motion passed unanimously.

Motion made/seconded to ratify the 2 cases recommended for closure with an AWL to be issued from Investigations dated May 1, 2008 with 1 case to receive a compliance directive. Motion passed unanimously.

Motion made/seconded to ratify that 5 cases being referred to Prosecutions from Investigations with 1 case receive compliance directive; 1 case receive administrative warning letter; 4 cases being close from the memo dated May 1, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 3 cases recommended for closure by Prosecutions from the memo dated May 1, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 4 cases recommended for closure by Prosecutions from the memo dated May 22, 2008. Motion passed unanimously.

**RECOMMENDATIONS:**

Upon reconvening in open session, motions were made in the following cases:

**DPR v. David Mandel #2000-61745**

Motion was made/seconded that the above-mentioned license is indefinitely suspended.  
Motion passed unanimously.

**FINDINGS/CONCLUSIONS/RECOMMENDATIONS:**

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

**DPR v. Robert Mallek #2007-70268**  
**DPR v. William Moorehead #2007-60884**  
**DPR v. Diana Campa #2007-60524**  
**DPR v. Bahidad Javid #2007-60787**  
**DPR v. David Mandel #2000-61745**  
**DPR v. David Bolton #2006-60350**  
**DPR v. Ricardo Negron #2003-67084**  
**DPR v. Vincent Mormino #2007-60283**

**ADJOURNMENT:**

Motion made/seconded to adjourn the meeting at 1:15 pm. Motion passed unanimously. The next scheduled meeting of the Real Estate Administration and Disciplinary Board is June 12, 2008 at 100 W. Randolph, Suite 9-300, Chicago, Illinois.

APPROVED:

Respectfully submitted,

REAL ESTATE ADMINISTRATION  
AND DISCIPLINARY BOARD

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Ron Hardgrove, Real Estate Director

DATE: \_\_\_\_\_

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Debra Dolinski, Liaison