



# 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 September 13, 2007

The Real Estate Administration and Disciplinary Board convened at 10:45 a.m. on September 13, 2007, 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  
Paul Park, Member  
Patrick Sharpe, Member  
Carol Shields, Member  
Walter Son, Member

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

Judie McConville, Member  
Toni Sherman, Member

Also present for all or part of the meeting:

Wayne Straza, Deputy Director Enforcement Administration – Acting Chief for Real Estate & Appraisal  
Michael Garvin, Acting Chief of Prosecutions  
Ernest Hernandez, Chief of Investigations  
Young Brockhouse, Manager of Licensing & Education  
Mark Oaks, Education Coordinator  
Debra Dolinski, Board Liaison/Administrative Assistant

### APPROVAL OF MINUTES:

**Motion:** A motion made/seconded to approve the August 9, 2007 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

## **DELIBERATIONS:**

At 10:55 a.m., a motion made/seconded to go into closed session to deliberate on disciplinary matters and September's CRC recommendations pursuant to the provisions of Section 2 of the Open Public Meeting Act. Motion passed unanimously.

**DPR v. Mary Knoll #E2006-124RE**  
**DPR v. Frank Dimaria #E2007-72RE**  
**DPR v. Lynn Ann Fanning #E2007-78RE**  
**DPR v. Patricia Horace #E2007-97RE**  
**DPR v. Gary Niederer #E2007-141RE**  
**DPR v. Annette Poellnitz #E2007-149RE**  
**DPR v. Lorraine Regula #E2007-154RE**  
**DPR v. Carolyn Smith #E2007-165RE**  
**DPR v. David White #E2007-176RE**  
**DPR v. Barbara Greyer #E2007-182RE**  
**DPR v. Margie Horton #E2007-184RE**  
**DPR v. James Koester #E2007-187RE**  
**DPR v. Lewis Mastandra #E2007-189RE**  
**DPR v. Dolores Overholster #E2007-194RE**  
**DPR v. Marjorie White #E2007-195RE**  
**DPR v. Owen Hayes #E2007-247RE**  
**DPR v. Radostina Todorova #E2007-256RE**  
**DPR v. Jason Odom #E2007-267RE**

## **REOPEN THE MEETING:**

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 11:10 a.m.

## **RECOMMENDATIONS:**

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

**DPR v. Mary Knoll #E2006-124RE**  
**DPR v. Frank Dimaria #E2007-72RE**  
**DPR v. Lynn Ann Fanning #E2007-78RE**  
**DPR v. Patricia Horace #E2007-97RE**  
**DPR v. Gary Niederer #E2007-141RE**  
**DPR v. Annette Poellnitz #E2007-149RE**  
**DPR v. Lorraine Regula #E2007-154RE**  
**DPR v. Carolyn Smith #E2007-165RE**  
**DPR v. David White #E2007-176RE**  
**DPR v. Barbara Greyer #E2007-182RE**  
**DPR v. Margie Horton #E2007-184RE**  
**DPR v. James Koester #E2007-187RE**  
**DPR v. Lewis Mastandra #E2007-189RE**

**DPR v. Dolores Overholster #E2007-194RE**  
**DPR v. Marjorie White #E2007-195RE**  
**DPR v. Owen Hayes #E2007-247RE**  
**DPR v. Radostina Todorova #E2007-256RE**  
**DPR v. Jason Odom #E2007-267RE**

#### **RATIFICATIONS:**

Case File Review Committee Members for September 12, 2007 were Patrick Sharpe, Ron Hardgrove and Michael Garvin.

Motion made/seconded to ratify the 14 cases recommended for closure from Investigations from the memo dated August 28, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 15 case recommended for referral to Prosecutions with 1 case being closed from the memo dated August 28, 2007. Motion passed unanimously.

Motion made/seconded to ratify 1 case recommended for directive compliance with 1 case being closed and 2 cases being transferred to prosecutions from the memo dated August 28, 2007.

Motion made/seconded to ratify the 12 cases recommended for closure by Prosecutions from the memo dated August 28, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 16 cases recommended for closure by Prosecutions from the memo dated September 12, 2007. Motion passed unanimously.

#### **DELIBERATIONS:**

At 11:15 a.m., a motion made/seconded to go into closed session to deliberate on disciplinary matters pursuant to the provisions of Section 2 of the Open Public Meeting Act. Motion passed unanimously.

**DPR v. Brian Duda #E2007-2RE**  
**DPR v. Bernard Kelly #E2006-1RE**  
**DPR v. Kimberly Moore #E2007-132RE**  
**DPR v. Eileen Oryan #E2007-143RE**  
**DPR v. Donna Smith #E2007-166RE**  
**DPR v. Richard Trinidad #E2007-173RE**  
**DPR v. Cheman Wrightsell #E2007-177RE**  
**DPR v. Diana Thames #E2007-201RE**  
**DPR v. De'Lores Caine #E2007-217RE**  
**DPR v. Ricardo Williams #E2006-73RE**  
**DPR v. Nancy Palemo #E2006-87RE**

#### **REOPEN THE MEETING:**

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 11:40 a.m.

## **RECOMMENDATIONS:**

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

### **DPR v. Brian Duda #E2007-2RE**

Motion made/second that Mr. Duda license be revoked. Motion passed unanimously.

### **DPR v. Bernard Kelly #E2006-1RE**

Motion made/seconded that Mr. Kelly be imposed a civil penalty of \$9,000.00. Motion passed unanimously.

### **DPR v. Kimberly Moore #E2007-132RE**

### **DPR v. Eileen Oryan #E2007-143RE**

### **DPR v. Donna Smith #E2007-166RE**

### **DPR v. Richard Trinidad #E2007-173RE**

### **DPR v. Cheman Wrightsell #E2007-177RE**

Motion made/seconded that the above mentioned cases be indefinitely suspended. Motion passed unanimously.

### **DPR v. Diana Thames #E2007-201RE**

Motion made/seconded that Ms. Thames license be revoked. Motion passed unanimously.

### **DPR v. De'Lores Caine #E2007-217RE**

Motion made/seconded that Mr. Caine be imposed a civil penalty of \$25,000.00. Motion passed unanimously.

### **DPR v. Ricardo Williams #E2006-73RE**

Motion made/seconded that Mr. Williams denied the issuance of a broker's license. Motion passed unanimously.

### **DPR v. Nancy Palemo #E2006-87RE**

Motion made/seconded that Ms. Palemo be imposed a civil penalty of \$10,000.00. Motion passed unanimously.

## **FINDINGS/CONCLUSIONS/RECOMMENDATIONS:**

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

### **DPR v. Brian Duda #E2007-2RE**

### **DPR v. Bernard Kelly #E2006-1RE**

### **DPR v. Kimberly Moore #E2007-132RE**

DPR v. Eileen Oryan #E2007-143RE  
DPR v. Donna Smith #E2007-166RE  
DPR v. Richard Trinidad #E2007-173RE  
DPR v. Cheman Wrightsell #E2007-177RE  
DPR v. Diana Thames #E2007-201RE  
DPR v. De'Lores Caine #E2007-217RE  
DPR v. Ricardo Williams #E2006-73RE  
DPR v. Nancy Palemo #E2006-87RE  
DPR v. Jacob Francois #E2007-83RE  
DPR v. Samuel Gonzales #E2007-88RE  
DPR v. Richard Kneubuehl #E2007-108RE  
DPR v. Jackie Lowderman #E2007-115RE  
DPR v. Clara McGee-Griffin #E2007-128RE  
DPR v. Mary Ann Moskuluk #E2007-134RE  
DPR v. Rick Munson #E2007-136RE  
DPR v. Sophia Bravos #E2007-50RE  
DPR v. Helen Carey #E2007-58RE  
DPR v. Charles Heilig #E2007-92RE  
DPR v. Tabitha Imparo #E2007-98RE  
DPR v. Joan Jansen #E2007-99RE  
DPR v. Barrington Rutherford #E2006-40RE  
DPR v. David Brown #E2007-15RE  
DPR v. Mirasol Taba #E2007-202RE

#### **AGENCY UPDATE:**

Mr. Straza introduced Ernest Hernandez as the new Chief of Investigations. Mr. Straza thanked the Board for their initiation of the "new" CRC process.

Mr. Garvin mentioned that John Hinman and Carolyn Cumbee are law-students that will be working through the semester. The Division was expecting John Floss to return back but have not heard from him.

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

There has been approximately 2300 brokers that have taken and passed the broker management course which is approximately 8% of the total number of brokers that are licensed. The Division has approved the 2<sup>nd</sup> of 5 tests for the broker management course. The Division is expecting a number of brokers opting to go back to a salesperson's license by the expiration of their license in April 2008.

There will be an Instructor Networking Session September 17<sup>th</sup> in Oakbrook from 3-5pm.

1 pre-license school  
6 pre-license courses  
4 CE school  
13 CE courses  
7 CE instructors

#### **LICENSING:**

The Licensing report reflecting the number of all professional licenses issued within the Real Estate Bureau for August 31, 2007 was distributed. For the month August, there were over 800 initial licenses which

is twice the amount than previous months. Last month, Licensing believed the increase was due to the backlog in processing applications; but has no explanation for the increase for August. Appraisers and auctioneers are renewing their licenses which will expired September 30, 2007; one-third of certified general and certified residential with one-tenth of auctioneers have renewed their license

A report was given on the passing rate for broker and salesperson's State Examinations through July 2007.

Active Real Estate Licensees:

All Licensees	94,340
Brokers	30,320
Salespersons	53,118
Leasing agents	1,363

**FISCAL REPORT:**

The Fiscal report for August 31, 2007 was distributed showing the figures through June 2007; the 850 fund showed a balance of approximately 18.7 million dollars.

**EXAMINATIONS:**

Distributed were three examination reports for the month of August 2007 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 August. Examinations have conducted 148 audits by using the "Brokerage Verification Report." Examiners completed 32 examinations with 8 not inspected – as authorized. The compliance review showed no pending issues and 2 offices "referred to supervisor; the 60 day follow up showed 19 offices in compliance, 4 offices "referred to supervisor" and 3 offices that had a license status change. Examinations Referred to Supervisor – Closed showed 5 issues resolved, 3 referred to prosecution, 2 offices that were exam after it was referred to Prosecutions.

**INVESTIGATIONS:**

Mr. Straza gave a verbal report on the cases that are in the real estate professions.

**PROSECUTIONS:**

The Prosecution report was distributed to the Board. Mr. Garvin reported the caseload numbers, the upcoming formal hearings and informal conferences.

A copy of a "Compliance Directive" that is used in the Medical Division was distributed to the Board for them to review the format. Mr. Hardgrove read the body of the document and discussed that the Board might want to use this kind of discipline when reviewing the open cases.

**ADJOURNMENT:**

Motion made/seconded to adjourn the meeting at 12:30 pm. Motion passed unanimously. The next scheduled meeting of the Real Estate Administration and Disciplinary Board is October 11, 2007 at 100 W. Randolph, Suite 9-300, Chicago, Illinois.

APPROVED:

Respectfully submitted,

REAL ESTATE ADMINISTRATION  
AND DISCIPLINARY BOARD

\_\_\_\_\_  
Ron Hardgrove, Real Estate Director

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

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Debra Dolinski, Liaison