



# Illinois Department of Financial and Professional Regulation

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## 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 June 11, 2009

The Real Estate Administration and Disciplinary Board convened at 11:15 a.m. on June 11, 2009, 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  
Walter Son, Member

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

Patrick Sharpe, Member

Also present for all or part of the meeting:

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 May 21, 2009 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

**AGENCY UPDATE:**

There are three new summer interns hired in Prosecutions; one is a volunteer.

**EDUCATIONAL ADVISORY COUNCIL (EAC):**

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

4 CE courses  
3 CE instructors  
5 Pre-license instructors

**LICENSING:**

The Licensing report reflecting the number of all professional licenses issued within the Real Estate Bureau for May 2009 was distributed. There was a decline of approximately 14,000 active salespersons from the number of active salespersons in May of 2008. What percent of those that are just "Late Renewals" will be more certain next month.

A report was given on the passing rate for broker and salesperson's State Examinations for April 2009. Candidates passing the Broker's Simulation Test Exam for May were: first timers, 38%; repeaters, 64%; overall, 49%.

Active Real Estate Licensees for May

All Licensees 78,047  
Brokers 27,531  
Salespersons 40,774  
Leasing agents 1,145

**EXAMINATIONS:**

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

**INVESTIGATIONS:**

Mr. Hernandez distributed a report that reflected the breakdown of the number of open cases by year in Investigations as of May 20, 2009. The report included the number of new cases opened and cases completed.

**PROSECUTIONS:**

Distributed was the Prosecution Report reflecting the total real estate cases in Legal; and the activity for May 2009. Mr. Botner mentioned that Prosecutions is having difficulty in contacting the respondent(s) for informal conferences. The suggestion is to file formal complaints on the respondent(s) versus scheduling informal conferences; that gives the Department the ability to move the cases forward on respondent(s) failing to respond.

## **OLD BUSINESS:**

IAR held an instructor's training on May 27<sup>th</sup> for the Broker Management Course with a "live interactive network" to be broadcast at CAR, Peoria Assoc., and Gateway Assoc of Realtors. At the Springfield location, the presentation that was given had a positive response from the attendees; at the Chicago location, there were technical problems and the power point presentation was on a small screen through a screen which was very difficult to see which the attendees gave a negative response. READ Board requested to see a copy of the power point presentation or the DVD that Mr. Bochenek is distributing.

Licensing is seeing an increase in Candidates passing the new Broker Simulation Test Exam; the Department believes this is due to candidates being more aware with this test by the instructors.

## **NEW BUSINESS:**

The License Rewrite Law was attached to the Predatory Lending Bill; we are not sure if this was done to pass it through or to die.

## **DELIBERATIONS:**

At 12:00 p.m., a motion made/seconded to go into closed session to deliberate on disciplinary matters on June's CRC recommendations pursuant to the provisions of Section 2 of the Open Public Meeting Act. Motion passed unanimously.

**DPR v. Antulio Cruz #2009-01496**  
**DRP v. Benjamin Call #2009-01493**  
**DRP v. Alma Balier #2009-01489**  
**DPR v. John Thomas a/k/a Bernard Barton #2004-60479**  
**DPR v. Wallace Rosenbaum #2008-05017**

## **REOPEN THE MEETING:**

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 12:25 p.m.

## **RATIFICATIONS:**

Case File Review Committee Members for June were Paul Park, Ron Hardgrove, John Botner and Ernest Hernandez

Motion made/seconded to ratify the 52 cases recommended for closure from Investigations from the memo dated May 28, 2009 with 3 remaining in investigations and 2 referring to legal. Motion passed unanimously.

Motion made/seconded to ratify the 14 cases being referred to Prosecutions from Investigations 1 case being closed, 12 cases closed with the issuance of an administrative warning letter, 3 cases closed with the issuance of a compliance directive, 1 case closed with the issuance of a cease & desist, 1 case remaining in investigations from the memo dated May 28, 2009. Motion passed unanimously.

Motion made/seconded to ratify the 1 case recommended for closure by Prosecutions from the memo dated May 28, 2009. Motion passed unanimously.

**RECOMMENDATIONS:**

**DPR v. John Thomas a/k/a Bernard Barton #2004-60479**

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

**DPR v. Wallace Rosenbaum #2008-05017**

Motion was made/second that the above-mentioned license be place in refuse to renew status until such time that he completes the required continuing education, fined \$500.00 and \$25.00 late fee for each hour that is deficient; in addition, the Department will send out a letter acknowledging his 50 years of having a real estate license. Motion passed unanimously.

**FINDINGS/CONCLUSIONS/RECOMMENDATIONS:**

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

**DPR v. Marta Njos #2005-70261**

**DPR v. Stuart Kaiserman #2008-04842**

**DPR v. Oscar Bonnilla #2005-60657**

**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 July 9, 2009 at 320 W Washington, Springfield, 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