



Illinois Department of Financial and Professional Regulation

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 August 9, 2007

The Real Estate Administration and Disciplinary Board convened at 11:00 a.m. on August 9, 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
Toni Sherman, Member
Carol Shields, Member
Walter Son, Member

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

Judie McConville, Member

Also present for all or part of the meeting:

John Lagattuta, Deputy Director of Statewide Enforcement
Mark Thompson, General Counsel
Michael Garvin, Acting Chief of Prosecutions
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 July 24, 2007 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

AGENCY UPDATE:

Eileen Lewalski, Acting Chief of Prosecution, gave notice that she will not be with the agency after August 3rd. The Division appointed Mike Garvin as Acting Chief of Prosecutions.

Mr. Lagattuta mentioned to the Board that the Division is planning on hiring 2 additional attorneys; and the process it takes in hiring additional staff. The Agency's main priority is to categorize the old investigation cases to determine which ones we will be able to prosecute and which ones to close. The Division is looking for the Board to review these files and to make a recommendation on how to proceed with the cases. One suggestion was to implement the disciplinary action called "Compliance Directive" which is a harsher discipline than the compliance agreement that is currently being used in the other departments. The "Compliance Directive" would be a non-public discipline with the agreement that if the licensee does the same violation again, the Division will seek a discipline action on the open violation plus include the "Compliance Directive" case. Mr. Hardgrove mentioned, as of today, all cases in "intake review" have been distributed to a board member for review. The Board was informed that they are able to review files that are currently assigned to an investigator to assist in making a recommendation on how to proceed with the file. The goal is have a manageable caseload for the investigators; hopefully we'll have a better judgment on this in 6 months.

There are no changes with the license bill in that it most likely will not be passing.

EDUCATIONAL ADVISORY COUNCIL (EAC):

The broker management course has over 100 courses available; and graded over 500 brokers with 4 failing. The last scheduled training the instructors' seminar for the Broker Management Course was held on July 31, 2007 at the Double Tree in Oakbrook; combining all the seminars, there are 164 instructors that have passed. The Division has been receiving numerous calls from out of state brokers requesting to have a broker management course available in their state; Mr. Hardgrove has forwarded this information to the providers and IAR. EAC approved the following number of applications at the August 9, 2007 meeting:

- 1 pre-license school
- 6 pre-license course
- 3 pre-license instructors
- 1 CE school
- 7 CE courses
- 5 CE instructors

LICENSING:

The Licensing report reflecting the number of all professional licenses issued within the Real Estate Bureau for July 31, 2007 was distributed. For the month of July, there was an increase of initial licenses issue for salespersons; mostly because Licensing has caught up with the salesperson's renewal and is able to process the applications. For the last several months, Licensing averaged issuing 400 new licenses for salespersons.

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

Active Real Estate Licensees:

All Licensees	92,733
Brokers	30,102
Salespersons	51,932
Leasing agents	1,304

FISCAL REPORT:

There were no Fiscal Reports distributed.

EXAMINATIONS:

Distributed were three examination reports for the month of July 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 July. Examinations have conducted 62 audits by using the "Brokerage Verification Report." Examiners completed 41 examinations with 11 not inspected – as authorized. The compliance review showed 3 offices with no pending issues and 1 office "referred to supervisor; the 60 day follow up showed 19 offices with no pending issues and 8 offices "referred to supervisor." Examinations Referred to Supervisor – Closed showed 2 issues resolved.

INVESTIGATIONS:

There is no investigation report to distribute.

PROSECUTIONS:

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

DELIBERATIONS:

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

BRE v. John Gillespie #E2007-87RE
BRE v. Thomas Jennings #E2007-100RE
BRE v. Mark Kaszubski #E2007-103RE
BRE v. Patrick Kelleher #E2007-104RE
BRE v. Estelle Kenney #E2007-106RE
BRE v. Rosa Kokat #E2007-109RE
BRE v. Victoria Lidstrom #E2007-114RE
BRE v. Thomas Murphy #E2007-137RE
BRE v. Jack Owens #E2007-145RE
BRE v. Nicholas Svalina #E2007-168RE
BRE v. Ralph Vaivada #E2007-175RE
BRE v. Linda Schneeman #E2007-218RE
BRE v. Jacob Francois #E2007-83RE

BRE v. Samuel Gonzales #E2007-88RE
BRE v. Richard Kneubuehl #E2007-108RE
BRE v. Jackie Lowderman #E2007-115RE
BRE v. Clara McGee-Griffin #E2007-128RE
BRE v. Mary Ann Moskuluk #E2007-134RE
BRE v. Rick Munson #E2007-136RE
BRE v. Sophia Bravos #E2007-50RE
BRE v. Helen Carey #E2007-58RE
BRE v. Charles Heilig #E2007-92RE
BRE v. Tabitha Imparo #E2007-98RE
BRE v. Joan Jansen #E2007-99RE
BRE v. Barrington Rutherford #E2006-40RE
BRE v. Mirasol Taba #E2007-202RE
BRE v. David Brown #E2007-15RE
BRE v. Alfredo Busano #E2006-128RE

REOPEN THE MEETING:

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 12:48 p.m.

RATIFICATIONS:

Case File Review Committee Members for August 8, 2007 were Paul Park, Ron Hardgrove and Michael Garvin.

Motion made/seconded to ratify the 1 case recommended for closure from Investigations dated July 30, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 2 case recommended for referral to Prosecutions from Investigations dated July 30, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 2 cases recommended for closure by Prosecutions from the memo dated July 30, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 12 cases recommended for closure by Prosecutions from the memo dated August 8, 2007 with 1 remaining open. Motion passed unanimously.

RECOMMENDATIONS:

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

BRE v. John Gillespie #E2007-87RE
BRE v. Thomas Jennings #E2007-100RE
BRE v. Mark Kaszubski #E2007-103RE
BRE v. Patrick Kelleher #E2007-104RE
BRE v. Estelle Kenney #E2007-106RE
BRE v. Rosa Kokat #E2007-109RE

BRE v. Victoria Lidstrom #E2007-114RE
BRE v. Thomas Murphy #E2007-137RE
BRE v. Jack Owens #E2007-145RE
BRE v. Nicholas Svalina #E2007-168RE
BRE v. Ralph Vaivada #E2007-175RE
BRE v. Linda Schneeman #E2007-218RE

RECOMMENDATIONS:

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

BRE v. Jacob Francois #E2007-83RE
BRE v. Samuel Gonzales #E2007-88RE
BRE v. Richard Kneubuehl #E2007-108RE
BRE v. Jackie Lowderman #E2007-115RE
BRE v. Clara McGee-Griffin #E2007-128RE
BRE v. Mary Ann Moskuluk #E2007-134RE
BRE v. Rick Munson #E2007-136RE
BRE v. Sophia Bravos #E2007-50RE
BRE v. Helen Carey #E2007-58RE
BRE v. Charles Heilig #E2007-92RE
BRE v. Tabitha Imparo #E2007-98RE
BRE v. Joan Jansen #E2007-99RE

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

BRE v. Barrington Rutherford #E2006-40RE

Motion was made/second that the above-mentioned licensee is Refused Renewal until such time as he submits proof from the Department of Revenue that their Illinois Income taxes, if due and owing, have been paid, and/or returns have been filed. Motion passed unanimously.

BRE v. David Brown #E2007-15RE

Motion was made/second that Mr. Brown's license be indefinitely suspended. Motion passed unanimously.

BRE v. Mirasol Taba #E2007-202RE

Motion was made/second that the above-mentioned licensee's license be permanently revoked. Motion passed unanimously.

BRE v. Alfredo Busano #E2006-128RE

Motion was made/second that Mr. Busano's license be suspended for 6 months; following suspension to be placed on probation until December 22, 2008 and cannot be self sponsored. In addition, sponsoring broker must submit to the Division a letter acknowledging of his criminal conviction. Motion passed unanimously.

ADJOURNMENT:

Motion made/seconded to adjourn the meeting at 1:00 pm. Motion passed unanimously. The next scheduled meeting of the Real Estate Administration and Disciplinary Board is September 13, 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: _____

Debra Dolinski, Liaison