



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 October 11, 2007

The Real Estate Administration and Disciplinary Board convened at 11:00 a.m. on October 11, 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
Judie McConville, Member
Paul Park, Member
Patrick Sharpe, Member
Carol Shields, Member
Walter Son, Member

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

Toni Sherman, Member

Also present for all or part of the meeting:

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 September 13, 2007 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

AGENCY UPDATE:

Ernest Hernandez, the new Chief of Investigations, is reducing the quantity of investigative reports that the Board will be receiving to only the investigative summary report with a reference sheet; CRC members will be able to review the entire file if needed. By reducing the quantity of investigative reports

being copied, the investigators will be doing more investigative work. Mr. Hernandez will be investigating files to help reduce the case-load.

A temp in Licensing left the agency but came back. Mr. Hardgrove has not heard any updates about hiring additional investigators and prosecutors.

EDUCATIONAL ADVISORY COUNCIL (EAC):

There have been approximately 4500 brokers that have taken and passed the broker management course; this represents approximately 15% of the total number of brokers that are licensed; 29 have “failed” to date. At the EAC Meeting, Mr. Hardgrove was reminded that the “Broker Management” replacement test is still not available; it’s believe to be a waiver that Mr. Bochenek is requesting the Division to sign; the Division will follow-up. The Division is finding that one of the problems with this course is that it may be too basic for many brokers.

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

- 1 pre-license instructor
- 4 CE courses
- 5 CE instructors
- 2 CE extensions

LICENSING:

The Licensing report reflecting the number of all professional licenses issued within the Real Estate Bureau for September 30, 2007 was distributed. Active salesperson’s licenses have dropped from the previous year; AMP has also notice a dropped in candidates scheduling to take the state exam. Appraisers and auctioneers are renewing their licenses which expired September 30, 2007; approximately 90 percent of certified general and certified residential with 40 percent of associates have renewed their license.

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

Active Real Estate Licensees:

All Licensees	95,302
Brokers	30,445
Salespersons	53,829
Leasing agents	1,393

FISCAL REPORT:

Mr. Brockhouse mentioned that the person that generates the Fiscal Report is changing job positions; therefore, the Board will not be receiving reports that have been distributed in the pass.

EXAMINATIONS:

Distributed were three examination reports for the month of September 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 September. Examinations have conducted 53 audits by using the “Brokerage Verification Report.” Examiners completed 54 examinations with 9 not inspected – as authorized. The

compliance review showed 2 pending issues and no offices “referred to supervisor; the 60 day follow up showed 36 offices in compliance, 2 offices “referred to supervisor” and 5 offices that had a license status change. Examinations Referred to Supervisor – Closed showed 3 issues resolved; 2 offices that were exam after it was referred to Prosecutions, 1 office with a license status change. The Board discussed and recommended that examiners reviewed and require specific criteria’s in an office policy manual.

INVESTIGATIONS:

Mr. Hardgrove gave a verbal report on the number of cases that are in investigations, complaint intake and prosecution review. Last week, Fred Dietz met with the investigators to train them in CLEAR; during the training, there were aged cases found with them assigned to investigators that have left the agency and not reassigned.

PROSECUTIONS:

The Prosecutions Report was distributed to the Board. Mr. Garvin reported the caseload numbers with the break down on the types of violations, the upcoming formal hearings and informal conferences, and case activity for September. Mr. Garvin can provide a more detail report in the future if the Board has a desire for one. For the upcoming Formal Hearings the following Board Members have volunteered to attend: November 1st, Walter Son; November 16th, Carol Shields and possibly Paul Park. The informal conference date for November 16th will be changed to another date due to the formal hearing that is on the same day.

DELIBERATIONS:

At 12:10 p.m., a motion made/seconded to go into closed session to deliberate on disciplinary matters and October’s CRC recommendations pursuant to the provisions of Section 2 of the Open Public Meeting Act. Motion passed unanimously.

DPR v. Larry Burks #E2006-8RE
DPR v. John Burns #E2006-126RE
DPR v. Chrystal Marshall #E2007-120RE
DPR v. Stephen Hadley #E2007-89RE
DPR v. Hope Tondelli #E2007-172RE
DPR v. Jacqueline Sylvain #E2007-169RE
DPR v. Marisa Frescka #E2007-85RE
DPR v. Angela English #E2007-76RE
DPR v. Tena Thomas #E2007-17RE
DPR v. Greg Perkins #E2006-5RE
DPR v. RPC Realty #E2006-6RE

REOPEN THE MEETING:

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 12:30 p.m.

RECOMMENDATIONS:

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

DPR v. Larry Burks #E2006-8RE
DPR v. John Burns #E2006-126RE
DPR v. Chrystal Marshall #E2007-120RE
DPR v. Stephen Hadley #E2007-89RE
DPR v. Hope Tondelli #E2007-172RE
DPR v. Jacqueline Sylvain #E2007-169RE
DPR v. Marisa Frescka #E2007-85RE
DPR v. Angela English #E2007-76RE

RATIFICATIONS:

Case File Review Committee Members for October 10, 2007 were Paul Park, Walter Son, Ron Hardgrove and Michael Garvin.

Motion made/seconded to ratify the 1 case recommended for closure from Investigations from the memo dated September 28, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 1 case recommended for referral to Prosecutions from the memo dated September 28, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 6 cases recommended for closure by Prosecutions from the memo dated September 28, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 5 cases recommended for closure by Prosecutions from the memo dated October 11, 2007. Motion passed unanimously.

RECOMMENDATIONS:

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

DPR v. Tena Thomas #E2007-17RE

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.

DPR v. Greg Perkins #E2006-5RE
DPR v. RPC Realty #E2006-6RE

Motion made/second that above-mentioned licensees be revoked for a minimum period of 7 years and that a civil penalty of \$25,000 be imposed to both licenses. Motion passed unanimously.

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 November 8, 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