



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 December 13, 2007

The Real Estate Administration and Disciplinary Board convened at 11:30 a.m. on December 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
Toni Sherman, Member
Walter Son, Member

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

Judie McConville, Member
Carol Shields, Member

Also present for all or part of the meeting:

Michael Garvin, Acting Chief of Prosecutions
Young Brockhouse, Manager of Licensing & Education
Ernest Hernandez, Chief of Investigations
Mark Oaks, Education Coordinator
Debra Dolinski, Board Liaison/Administrative Assistant

APPROVAL OF MINUTES:

Motion: A motion made/seconded to approve the October 11, 2007 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

AGENCY UPDATE:

Mr. Brockhouse mentioned that each agency has an ethics officer and every Board under the agency needs to nominate an Ethics Officer. The Agency’s Ethics Officer is Scott Seder, which we are recommending for READ.

MOTION: Motion made/seconded to nominate Scott Seder as the Ethics Officer for READ Board. Motion passed unanimously.

EDUCATIONAL ADVISORY COUNCIL (EAC):

A Board Member commented that the continuing education course that she/he recently completed potentially did not meet statutory requirements. Young Brockhouse is reviewing with Mark Oaks.

There have been approximately 30% of the total number of brokers that have taken and passed the broker management course. The Division met with REEF to review and discuss several erroneous items in the second examination for the Broker Management Course. Ron is recommending course of action for Director’s Bluthardt’s approval.

At the EAC Meeting there was a discussion on getting a variance to offer proficiency and/or home study for the “Broker Management Course” for this renewal.

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

- 2 CE schools
- 2 pre-license courses
- 2 pre-license instructor
- 4 CE courses
- 8 CE instructors
- 1 CE extensions
- 1 Out-of-state CE
- 2 denied for out-of-state CE

LICENSING:

The Licensing reports reflecting the number of all professional licenses issued within the Real Estate Bureau for October 31, 2007 & November 30, 2007 were distributed.

Report was given on the passing rate for broker and salesperson’s State Examinations through October 30 2007.

Active Real Estate Licensees for October

All Licensees 96,025
 Brokers 30,593
 Salespersons 54,543
 Leasing agents 1,445

Active Real Estate Licensees for November:

All Licensees 96,205
 Brokers 30,675
 Salespersons 54,801
 Leasing agents 1,247

EXAMINATIONS:

Distributed were three examination reports for the months of November 2007 and December 2007 that were categorized by “Examinations Completed by Examiner – Licensees with First Examination”, “Examinations Completed by Examiner – Compliance Review,” and “Examinations – 60

Day Follow-Up” for the months of October and November. For the month of November, Examinations have conducted 57 audits by using the “Brokerage Verification Report.” Examiners completed 53 examinations. The compliance review showed 1 with no pending issues and no offices “referred to supervisor; the 60 day follow up showed 36 offices in compliance, 2 offices “referred to supervisor” and 4 offices that had a license status change. Examinations Referred to Supervisor – Closed showed 8 issues resolved; 1 office that was exam after it was referred to Prosecutions, 1 office with a license status change.

INVESTIGATIONS:

Mr. Hernandez reported that 3 new cases were assigned to Investigators in November; 28 cases were closed, and 142 investigation reports were submitted. Investigations lost a lot of man hours due to the holiday season.

All the investigators, including Mr. Hernandez, attended the Illinois Bankers Association Conference held in Naperville addressing Mortgage Fraud.

Mr. Hernandez continues to work with Director Hardgrove in addressing different strategies on the investigation’s caseload.

PROSECUTIONS:

The Prosecution’s 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 November. The total number of cases in Enforcement showed an increase due the 2006 broker CE audit. The Division has sent out surrender agreements to the brokers that indicated that they wished to surrender their license; the next step is to file “Intent to Refuse to Renew” on respondents that did not reply to the License Department’s letters. Mr. Garvin also mentioned the case-load that is in Appraisal, Auction, Home Inspection and Time-Share.

For the upcoming Formal Hearing on January 16, 2008, Patrick Sharpe is the Board Member that is schedule to attend. Mr. Garvin will be working on the 2008 Master Schedule for Informal Conferences and CRC.

DELIBERATIONS:

At 11:50 a.m., a motion made/seconded to go into closed session to deliberate on disciplinary matters and December’s CRC recommendations pursuant to the provisions of Section 2 of the Open Public Meeting Act. Motion passed unanimously.

DPR v. Gerald Them #E2007-170RE
DPR v. William Fischer #E2007-80RE
DPR v. Dorina Dan #E2007-68RE
DPR v. Noel Rubenstein #E2007-157RE
DPR v. James Burke #E2007-157RE
DPR v. Catty Salgado #E2007-160RE
DPR v. Alfredo Busano #E2006-128RE & #E2006-129RE
DPR v. Robert Taylor #E2006-7RE
DPR v. Ted Pirpiris #E2007-265RE
DPR v. Bonita Geary Kaplan #E1995-051011RE
DPR v. Margaret McGlynn #E2007-129RE
DPR v. Malvina Roytman #E2007-158RE
DPR v. Alvon Potts #E2006-105RE

REOPEN THE MEETING:

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 12:50 p.m.

RECOMMENDATIONS:

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

DPR v. Gerald Them #E2007-170RE
DPR v. William Fischer #E2007-80RE
DPR v. Dorina Dan #E2007-68RE
DPR v. Noel Rubenstein #E2007-157RE
DPR v. James Burke #E2007-157RE
DPR v. Catty Salgado #E2007-160RE
DPR v. Alfredo Busano #E2006-128RE & #E2006-129RE
DPR v. Robert Taylor #E2006-7RE
DPR v. Ted Pirpiris #E2007-265RE
DPR v. Bonita Geary Kaplan #E1995-051011RE

RATIFICATIONS:

Case File Review Committee Members for December 13, 2007 were Carol Shields, Ron Hardgrove and Michael Garvin.

Motion made/seconded to ratify the 17 cases recommended for closure from Investigations from the memo dated October 26, 2007 with 1 being referred to Prosecutions and open a new complaint on of the complainants. Motion passed unanimously.

Motion made/seconded to ratify the 7 cases recommended for referral to Prosecutions from the memo dated October 26 2007. Motion passed unanimously.

Motion made/seconded to ratify the 4 cases recommended for closure by Prosecutions from the memo dated October 26, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 11 cases recommended for closure by Prosecutions from the memo dated November 8, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 20 cases recommended for closure from Investigations from the memo dated November 29, 2007 with 2 cases being tabled until the next Board Meeting. Motion passed unanimously.

Motion made/seconded to ratify the 15 cases recommended for referral to Prosecutions from the memo dated November 29 2007. Motion passed unanimously.

Motion made/seconded to ratify the 14 cases recommended for closure by Prosecutions from the memo dated November 29, 2007. Motion passed unanimously.

Motion made/seconded to ratify the 15 cases recommended for closure by Prosecutions from the memo dated December 13, 2007. Motion passed unanimously.

RECOMMENDATIONS:

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

DPR v. Margaret McGlynn #E2007-129RE
DPR v. Malvina Roytman #E2007-158RE

Motion was made/second that the above-mentioned licensees are indefinitely suspended. Motion passed unanimously.

DPR v. Alvon Potts #E2006-105RE

Motion made/second that above-mentioned licensee be imposed a civil penalty of \$25,000. Motion passed unanimously.

FINDINGS/CONCLUSIONS/RECOMMENDATIONS:

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

DPR v. Tena Thomas #E2007-17RE
DPR v. Greg Perkins #E2006-5RE
DPR v. RPC Realty #E2006-6RE

MOTION

Motion made/seconded that the Board approves closing cases where the respondent enters a "Surrender Agreement" the date that it is returned to Enforcement versus individually presented for closure the day of the Board Meeting. Motion passed unanimously.

Motion made/seconded that a Final Order be sent to the Director for signature on licensees that do not file a petition for hearing on the "Notice of Refuse to Renew." 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 January 10, 2008 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