



Illinois Department of Financial and Professional Regulation

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 JANUARY 22, 2009

The Real Estate Administration and Disciplinary Board convened at 10:25 a.m. on January 22, 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
Patrick Sharpe, Member
Walter Son, Member

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

Carol Shields, Member

Also present for all or part of the meeting:

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 November 13, 2008 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

AGENCY UPDATE:

Young Brockhouse has been promoted to Acting Chief Testing Officer for DPR; he will be supervising the section that administers licensing examinations for all professions within the Division.

EDUCATIONAL ADVISORY COUNCIL (EAC):

EAC approved the following number of applications on January 15, 2009:

EAC Agenda Items for December 11, 2008

- 2 CE Schools
- 30 CE courses
- 14 Revised Core Courses
- 5 CE instructors
- 2 Pre-license instructors
- 2 CE courses denied
- 1 CE course incomplete

EAC Agenda Items for January 15, 2009

- 1 CE School
- 13 CE courses
- 3 updated CE courses
- 6 CE instructors
- 2 Pre-license instructors
- 1 Pre-license instructor denied but granted a variance

LICENSING:

The Licensing report reflecting the number of all professional licenses issued within the Real Estate Bureau for December 2008 was distributed. The report showed that there was a dramatic drop of active licenses for brokers and salesperson for the year of 2008 compared to the 2007 year. Home Inspector's licenses expired November 30, 2008; 38 percent renewed their license.

Mr. Hardgrove attended IAR's Government Public Policy meeting on January 20th and 21st in Bloomington. At the meeting, there was a speaker that gave an Economic Report that was very informative; the one positive note that was mentioned was that Illinois should benefit from the auto industries bailout because of the 3 major auto plant manufacturers in the State which should have some impact on the economy.

Salesperson's renewal will go into effect February 1, 2009. The first week, approximately 50,000 postcards will be sent out to licenses with an active license status; the following week, approximately 8,000 postcards will be sent out to licenses with an inoperative license status. The third week in March, renewal notices will be mailed to licenses that have not renewed.

Report was given on the passing rate for broker and salesperson's State Examinations through November 2008.

Active Real Estate Licensees for December

All Licensees	86,598
Brokers	26,990
Salespersons	50,632
Leasing agents	1,042

EXAMINATIONS:

There was not an Examination Report distributed. All examiners are working on the investigation aged caseload.

INVESTIGATIONS:

Mr. Hernandez mentioned that a new investigator will be starting the Department February 1st; the previous investigator that was hired is very enthusiastic and is still being trained; and there will be an investigator that will be on vacation for a month.

The Real Estate Case Management Report was distributed reflecting an audit of open cases in February 19, 2008 and in December 31, 2008; an analysis of the cases received, assigned and completed in 2008; and the overall analysis of cases closed/completed in 2008.

PROSECUTIONS:

Distributed was the Prosecution Report reflecting the total real estate cases in Legal; and the activity for the months of November & December 2008. Mr. Botner continues working on increasing the number of informal conferences in a month; Board Members will be contacted by email to schedule upcoming dates.

OLD BUSINESS:

Mr. Hardgrove has approximately 39 cases, which originated within the Department, to be used as material for the Broker Management Course; IAR will be receiving this within the week.

January 31, 2008 will be the last day that AMP will offer the multiple choice test; February 8, 2009, the Broker Simulation Test will take effect. In March, we should be receiving feedback from the candidates.

NEW BUSINESS:

The Department will be meeting with IAR to discuss the proposed License Law Rewrite within the next 5 to 10 days. IAR must file with LRB by February 7th. Mr. Hardgrove discussed some of IAR's proposals and the added language that the Department required. The Board will receive a copy of all the changes at the February Meeting.

Mr. Hardgrove discussed the new escrow law that took effect January 1, 2009. The language provides for the broker to have an option to treat escrow funds as abandoned 6 months after written request for release by one of the parties. The provision would then allow the broker to transfer those funds to the Treasurer's Office under the Abandoned Property Act. Mr. Bochenek interprets it to be mandatory. Mr. Hardgrove hopes to receive a statement from Representative Ford indicting his intentions as bill maker.

DELIBERATIONS:

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

DPR v. Anthony Hardy #2008-08398

DPR v. Joseph Varan #2004-60694

REOPEN THE MEETING:

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 12:10 p.m.

RATIFICATIONS:

Case File Review Committee Members for December 10, 2008 were Walter Son, Ron Hardgrove, John Botner.

Motion made/seconded to ratify the 12 cases recommended for closure from Investigations with 1 case transferred to Prosecutions and 1 case being merged from the memo dated November 25, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 19 cases being referred to Prosecutions from Investigations that 11 be conference; with the remainder be closed after being merged, issuance of a compliance directive or administrative warning letter from the memo dated November 25, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 2 cases recommended for closure by Prosecutions from the memo dated November 25, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 2 cases recommended for closure by Prosecutions from the memo dated December 11, 2008. Motion passed unanimously.

Case File Review Committee Members for January 14, 2008 were Paul Park, Ron Hardgrove, John Botner and Ernest Hernandez.

Motion made/seconded to ratify the 22 cases recommended for closure from Investigations with 2 cases to be issued administrative warning letters and 1 case remaining in investigations from the memo dated December 30, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 31 cases being referred to Prosecutions from Investigations that 11 be conference; 4 cases to be closed with the remainder 16 cases to be closed after the issuance of a compliance directive or administrative warning letter from the memo dated December 30, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 1 case recommended for closure by Prosecutions from the memo dated December 30, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 14 cases recommended for closure by Prosecutions from the memo dated December 11, 2008. Motion passed unanimously.

RECOMMENDATIONS:

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

DPR v. Joseph Varan #2004-60694

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

FINDINGS/CONCLUSIONS/RECOMMENDATIONS:

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

- DPR v. Fredrick Graham #2007-60452**
- DPR v. Dennis Coll #2007-60970**
- DPR v. Gaylon Ryg #2007-70074**
- DPR v. Thornell Pye #2007-60185**
- DPR v. Jesse Johnson #2007-60527**

ADJOURNMENT:

Motion made/seconded to adjourn the meeting at 12:15 pm. Motion passed unanimously. The next scheduled meeting of the Real Estate Administration and Disciplinary Board is February 19, 2009, 2008 at 500 E Monroe, Springfield, Illinois.

APPROVED:

Respectfully submitted,

REAL ESTATE ADMINISTRATION
AND DISCIPLINARY BOARD

Ron Hardgrove, Real Estate Director

DATE: _____

Debra Dolinski, Liaison