



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 February 14, 2008

The Real Estate Administration and Disciplinary Board convened at 11:10 a.m. on February 14, 2008, 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:

John Botner, Chief of Prosecutions
Michael Garvin, Senior Counsel, Inter Division 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 January 10, 2008 Real Estate Administration and Disciplinary Board Minutes. Motion passed unanimously.

AGENCY UPDATE:

John Botner was introduced to the Board as the new Chief of Prosecutions.

Prosecutions is getting a new attorney but have not received word of a start date.

There are 3 legislative bills being presented to the General Assembly: 1) making it illegal to share compensations to the party of the transaction; 2) making it possible for a purchaser to file a lien in the amount of their escrow on a development project; 3) amending disclosure for sellers on septic tanks and sewer hook-ups.

On January 24, 2008, the Division switched data base systems from CLEAR to ILES; the two systems are very similar with few minor changes. One of the changes is that our website now has the real estate license number posted but doesn't have the sponsoring broker name linked to the sponsored licensee. We are working on getting the sponsoring broker name back in the info. On the Enforcement side, one of the positive changes was that the file will have the same number for the entire enforcement process.

EDUCATIONAL ADVISORY COUNCIL (EAC):

At last month's meeting, the Division mentioned there would be 2 alternates to complete the Broker Management Course which are Home Study and Interactive Internet Delivery. On January 23rd, the Division sent out letters to the continuing education providers informing them of this change. There are 12 schools that are approved to offer home study; of that, 2 are also approved to offer Interactive Internet Delivery.

The Division has a report showing 39.71% of brokers have taken and passed the broker management course; in Cook County, there are approximately 10,000 brokers who have not taken the course. There are 150 dates available to schedule the Broker Management Course from now to the end of April.

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

- 14 CE courses
- 4 CE instructors
- 1 pre-license instructor
- 1 request for CE credit for out-of-state CE

LICENSING:

The Licensing report reflecting the number of all professional licenses issued within the Real Estate Bureau for January 2008 was distributed. The figures for salesperson 2007 are not correct; it is believed those figures are for 2006.

Report was given on the passing rate for broker and salesperson's State Examinations through December 2007.

Active Real Estate Licensees for January

All Licensees	97,221
Brokers	30,908
Salespersons	55,383
Leasing agents	1,303

EXAMINATIONS:

Due to transferring data base systems; the Examination's report was not able to be generated. Mr. Hardgrove mentioned that one of the problems that examiners and investigators are encountering is: examiners schedule appointments with brokers and the brokers miss the meetings numerous times; investigators are requesting documents to be submitted within 30 days which brokers do not submit. The Division is taking a more aggressive action on these situations.

INVESTIGATIONS:

A report was distributed to the Board reflecting the number of new cases assigned, number of cases closed by Investigations, number of reports submitted on open cases and the number of lost man-days due to holiday, sickness or vacation.

Additional training sessions have been scheduled for all the investigators in specific areas of their choice, and where management concurs that such training will benefit both the employee and their work performance.

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 total caseload in Prosecutions, status on the 2006 broker CE audit, case activity for January, the upcoming formal hearings and informal conferences, and case activity for December. Walter Son is scheduled for the formal hearing on March 6th.

May 8th READ Meeting needs to be rescheduled; the tentative date is May 22nd.

DELIBERATIONS:

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

DPR v. Pablo Sarmiento #2007-60486
DPR v. Raymond Anderson #2007-60682
DPR v. David Mandel #E2000-017451
DPR v. Raymond Konopka #E2007-110
DPR v. Vincent Mormino #E2007-113
DPR v. Curtis Brown #2006-80046
DPR v. David Bolton #E2006-80
DPR v. Robert Mallek #E2007-118
DPR v. Ricardo Negrón E2007-289

REOPEN THE MEETING:

A motion made/seconded to reopen the closed meeting of the Real Estate Administration and Disciplinary Board at 1:00 p.m.

RECOMMENDATIONS:

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

DPR v. Pablo Sarmiento #2007-60486
DPR v. Raymond Anderson #2007-60682

RATIFICATIONS:

Case File Review Committee Members for February 13, 2008 were Paul Park, Ron Hardgrove and Michael Garvin.

Motion made/seconded to ratify the 20 cases recommended for closure from Investigations from the memo dated February 1, 2008 with 1 remaining open. Motion passed unanimously.

Motion made/seconded to ratify that 3 cases receive compliance directives; 2 cases receive administrative warning letters; 2 cases being close and 1 case to be conference from the memo dated February 1, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 5 cases recommended for closure by Prosecutions from the memo dated February 1, 2008. Motion passed unanimously.

Motion made/seconded to ratify the 3 cases recommended for closure by Prosecutions from the memo dated February 13, 2008. Motion passed unanimously.

RECOMMENDATIONS:

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

DPR v. Raymond Konopka #E2007-110RE
DPR v. Vincent Mormino #E2007-113RE
DPR v. Robert Mallek #E2007-118

Motion was made/second that the above-mentioned licensees license is indefinitely suspended until he submits proof of completing the continuing education deficiencies and pay all require fees. Motion passed unanimously.

DPR v. David Mandel #2000-017451

Motion made/second that above-mentioned that petition denied. Motion passed unanimously.

DPR v. Curtis Brown #2006-80046

Motion made/seconded that the above-mentioned licensee's license be fined \$25,000.00 for unlicensed practice; it was further determined that he harm the public, harm to the profession and the intent to deceit. Motion passed unanimously.

DPR v. David Bolton #E2006-80

Motion made/seconded that the Division requests assessment for a civil penalty be denied.
Motion passed unan

DPR v. Ricardo Negrón #E2007-289

Motion made/seconded that the above-mentioned licensee's license is revoked for a minimum period of 10 years and a fine of \$10,000.00 be imposed.

FINDINGS/CONCLUSIONS/RECOMMENDATIONS:

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

DPR v. Malvina Roytman 2007-60308
DPR v. Alberto Rodriguez 2007-6030
DPR v. Margaret McGlynn 2007-60279
DPR v. Alton Potts E2007-105

ADJOURNMENT:

Motion made/seconded to adjourn the meeting at 1:15 pm. Motion passed unanimously. The next scheduled meeting of the Real Estate Administration and Disciplinary Board is March 13, 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