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DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING MINUTES:</b>	<b>DELAWARE REAL ESTATE COMMISSION</b>
<b>MEETING DATE AND TIME:</b>	<b>Thursday, September 9, 2010 at 1:00 p.m.</b>
<b>PLACE:</b>	823 Walnut Shade Road, Woodside, Delaware <b>PolyTech Adult Education Conference Center</b> Corporate Training Room #516
<b>MINUTES APPROVED:</b>	October 15, 2010

### **MEMBERS PRESENT**

Vincent M. White, Professional Member, Chairman  
Andrew Staton, Professional Member, Vice Chairman  
Christopher J. Whitfield, Professional Member, Secretary  
Gilbert Emory, Public Member  
Denise Stokes, Public Member  
Ricky H. Allamong, Professional Member  
Richard Brogan, Professional Member

### **DIVISION STAFF/ DEPUTY ATTORNEY GENERAL**

Kay Warren, Deputy Director, Division of Professional Regulation  
Eileen Heeney, Deputy Attorney General  
Gayle Melvin, Administrative Specialist III  
Jessica Williams, Administrative Specialist II

### **MEMBERS ABSENT**

Patricia O'Brien, Public Member  
James C. Brannon, Jr., Public Member

### **ALSO PRESENT**

Crystal Hudson, SCAOR  
Juli LaBadia, Court Reporter  
Kevin Thawley  
Tia Gianakis-Minella

Holly Coe

### **CALL TO ORDER**

Mr. White called the meeting to order at 1:00 p.m.

### **REVIEW OF MINUTES**

A motion was made by Mr. Staton, seconded by Mr. Emory to approve the minutes of the meeting held on August 12, 2010. The motion passed unanimously.

A motion was made by Ms. Stokes, seconded by Mr. Whitfield to approve the minutes of the meeting held on August 23, 2010. The motion passed unanimously.

### **OLD BUSINESS**

#### **Review of Initial Questionnaire from the Joint Sunset Committee**

Ms. Warren was present to review the completed questionnaire with the Commission. She asked for input from Commission members and Ms. Heeney on pages 7, 8 and 9. The review stopped at page 11 and continued later in the meeting.

### **HEARINGS**

#### **Rule to Show Cause Hearing for Sherry L. Heffernan**

Ms. Heeney called the rule to show cause hearing to order at 1:47 p.m. This hearing was held for Sherry L. Heffernan to show cause why the Commission should not suspend or revoke her license for failure to comply with the Commission's Decision and Order from the April 9, 2010 show cause hearing. Ms. Heffernan was not present for the hearing. Ms. Heeney called Ms. Melvin to testify regarding the mailing of the notice for the hearing and the mailing of the Commission's Decision and Order. Verbatim testimony was recorded by the court reporter.

At 1:53 p.m., the Commission went off the record for deliberations. The Commission went back on the record at 2:02 p.m. A motion was made by Mr. Whitfield, seconded by Ms. Stokes that the Commission suspends Ms. Heffernan's license indefinitely or until a further rule to show cause hearing is held. The motion passed unanimously. The hearing concluded at 2:03 p.m.

#### **Rule to Show Cause Hearing for Richard A. Lundregan**

At the request of Mr. Lundregan, a continuance was granted. The hearing has been rescheduled for the October meeting.

### **NEW BUSINESS**

#### **Applications for Licensure**

A motion was made by Mr. Whitfield, seconded by Mr. Staton to ratify the following new salesperson applicants as presented:

Dayne Yancey, Keller Williams Realty, Christiana, DE

Florence Bazhaw, Keller Williams Real Estate, Media, PA  
John Dipasquale, Keller Williams, West Chester, PA  
Darrell Stroy, Keller Williams Realty, Wilmington, DE  
Michael Dutton, Prudential Fox & Roach, Wilmington, DE  
Wayne Egbert, Re/Max Sunvest Realty, Wilmington, DE  
Bart Krull, Weichert Realtors, Wilmington, DE  
Deanna Egan, Frist Class Properties, Dover, DE  
Dana Rideout, Keller Williams Realty, Middletown, DE  
Karen Flowers, Metro Referrals, Bear, DE  
Purcell Dye, Re/Max Alliance, Inc., Dover, DE  
Regina Shea, Patterson-Schwartz & Associates, Wilmington, DE  
Suzanne Layton, Adkins Real Estate, Seaford, DE  
Hugh Dugan, Keller Williams Realty, Middletown, DE  
Zhida Wang, Provest Realty Associates, Wilmington, DE  
Michael McConnell, McConnell Johnson Real Estate Company, LLC, Wilmington, DE  
Karen Rupp, Prudential Fox & Roach, Greenville, DE  
Craig Richardson, Century 21 Gold Key, Newark, DE  
Tiffany Cradle, Century 21 Gold Key, Newark, DE  
Takia Moore, Long & Foster, Bear, DE  
Francesca Vavala, Delaware Homes, Inc., Townsend, DE  
Andrea Leon, Century 21 Gold Key, Newark, DE  
Klara Szamody, Prudential Fox & Roach, Devon, PA  
Michael Brillante, Keller Williams Realty, Wilmington, DE  
Terrell Johnson, Keller Williams Realty, Wilmington, DE  
Rosa Howard, Prudential Fox & Roach, Hockessin, DE  
James Bonner, Patterson Schwartz & Associates, Wilmington, DE  
Ashley Dilworth, Patterson Schwartz & Associates, Hockessin, DE  
Kenneth Kovac, Patterson Schwartz & Associates, Middletown, DE  
Paul Ojewoye, Keller Williams Realty, Christiana, DE  
Chimere Shockley, Keller Williams Realty, Christiana, DE  
Martina Smack, Keller Williams Realty, Newark, DE  
James McCahon, 3<sup>rd</sup>, Jones Lang LaSalle of Pennsylvania, Inc., Philadelphia, PA  
Kimberly Markle, Keller Williams Real Estate, West Chester, PA

The motion passed unanimously.

The application of Lee Leslie for a non-resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

The application of Rosemarie Seibel for a resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Ms. Stokes to approve this application. The motion passed unanimously.

The application of Kevin Thawley for a resident broker's license was reviewed. Mr. Thawley was present and spoke regarding his application. A motion was made by Mr. Allamong, seconded by Mr. Brogan to approve this application. The motion passed unanimously.

#### New Office

The application of Re/Max Above and Beyond for a new office was reviewed. A motion was made by Ms. Stokes, seconded by Mr. Brogan to approve this application. The motion passed unanimously.

### Reinstatement of Licenses

The application of Dorothy King for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve Ms. King for reinstatement. The motion passed unanimously.

The application of Candy McNabb for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve Ms. McNabb for reinstatement. The motion passed unanimously.

The application of Gregory Brown for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve Mr. Brown for reinstatement. The motion passed unanimously.

The application of Clem Straker for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve Mr. Straker for reinstatement. The motion passed unanimously.

The application of Laverne Simms for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve Ms. Simms for reinstatement. The motion passed unanimously.

The application of Diana Davis for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve Ms. Davis for reinstatement. The motion passed unanimously.

The application of Francis McCarthy for reinstatement of a non-resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve Mr. McCarthy for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of John Jenkins for reinstatement of a non-resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Whitfield to approve Mr. Jenkins for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

### Education Committee Report

#### Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

A motion was made by Mr. Allamong, seconded by Mr. Staton to approve and deny course providers, instructor applications and student requests as noted in the minutes of the September 2, 2010 meeting of the Real Estate Education Committee. The motion passed unanimously.

#### Review of Application for Deferred Exchanges and Capital Gains Tax from the Frederick Academy

The Commission reviewed the application from The Frederick Academy of Real Estate to offer the course "Deferred Exchanges and Capital Gains Tax". The Education Committee had approved this course as professional enhancement. The Frederick Academy of Real Estate requested that it be approved as legislative update. The course had previously been approved as legislative update. A discussion was held as to what constitutes legislative update. It will be suggested to the Education Committee that it evaluate the requirements for a legislative update course and define standards for

course objectives. A motion was made by Mr. Staton, seconded by Mr. Brogan to approve the course as a legislative update course. The motion passed unanimously.

### Applications for Licensure Continued

#### Resident Salespersons

The application of Daniel Lewis for a resident salesperson's license was reviewed. A motion was made by Mr. Whitfield, seconded by Ms. Stokes to approve this application pending receipt of a letter from Mr. Lewis with the correct answer to question #3 on the application. The motion passed unanimously.

The application of Martin Kelly for a resident salesperson's license was reviewed. A motion was made by Ms. Stokes, seconded by Mr. Whitfield to approve this application. The motion passed unanimously.

The application of Garrett King for a resident salesperson's license was reviewed. A motion was made by Ms. Stokes, seconded by Mr. Whitfield to approve this application. The motion passed unanimously.

### **OLD BUSINESS**

#### Review of Application for New Office

The application of Concord Realty Group and the additional information submitted was reviewed. Ms. Coe was present to speak about this application. A motion was made by Mr. Whitfield, seconded by Ms. Stokes to approve this application. The motion passed by majority vote. Mr. Allamong voted against the motion.

The Commission took a recess from 2:39 p.m. to 2:49 p.m.

#### Review of Initial Questionnaire from the Joint Sunset Committee

The Commission completed the review of the questionnaire. Ms. Warren will make the suggested changes to the questionnaire and submit it to the Joint Sunset Committee. She will forward a final copy to the Commissioners. A discussion was held about putting the proposed revisions on the website. Ms. Heeney advised that the questionnaire is not considered public information. She will need to research further if once the proposed revisions are submitted to the Joint Sunset Committee, they are no longer considered to be public information.

#### Review and Approval of Proposed Revisions to the Statute

Mr. Whitfield reviewed the proposed revisions to the statute for Commission members. A motion was made by Mr. Allamong, seconded by Ms. Stokes to accept the proposed revisions and submit them to the Joint Sunset Committee with the questionnaire. The motion passed unanimously.

### **NEW BUSINESS CONTINUED**

#### Review of Letter from Craig Campbell Requesting a Waiver of the One-Year Requirement

The Commission reviewed the letter from Craig Campbell requesting a waiver of the one-year requirement to become licensed after passing the exam. A motion was made by Mr. Brogan, seconded by Mr. Emory to deny Mr. Campbell's request. The motion passed by majority vote. Mr. Staton voted against the motion.

Review of Letter from Bruce York Concerning Non-Certified Individuals Performing Wood Destroying Insect Reports

The Commission reviewed the letter from Bruce York of True Pest Control Services, Inc. concerning non-certified individuals performing wood destroying inspect reports. A letter will be sent to Mr. York thanking him for his letter and advising him that this is not under the Commission's jurisdiction.

Superior Court Decision Affirming the Commission's Decision in the Villabona Case

Commission members received a copy of the Superior Court decision affirming the Commission's decision in the J. David Villabona case. No action was required.

**OLD BUSINESS CONTINUED**

Sign Final Order from Hearing Held on Case Nos. 02-16-09, 02 33-08; and 02-27-09 Against Karen S. Kimbleton

Ms. Heeney advised that she will complete the final order and coordinate with Commission members to obtain signatures.

Sign Final Order from Hearing Held for Douglas and Vicki Tisdell Regarding their Claim Against the Real Estate Guaranty Fund

This was tabled until the next meeting.

Review of Letter from James Kite Requesting a 30-Day Extension for Taking the Exam

The Commission reviewed the letter from James Kite requesting a 30-day extension for taking the exam. A motion was made by Mr. Whitfield, seconded by Ms. Stokes to grant the extension. The motion passed unanimously.

Review of Changes to the Seller's Disclosure Forms – Mr. Allamong

Mr. Allamong asked that this be tabled until the next meeting. A motion was made by Ms. Stokes, seconded by Mr. Staton to table this until the next meeting. The motion passed unanimously.

**NEW BUSINESS CONTINUED**

Complaint No. 02-33-07 – Closed  
Complaint No. 02-35-07 – Closed  
Complaint No. 02-29-08 – Closed  
Complaint No. 02-53-09 – Closed  
Complaint No. 02-25-10 – Assigned to Mr. Staton  
Complaint No. 02-38-07 – Schedule Hearing Date  
Complaint No. 02-21-08 – Schedule Hearing Date

**OTHER BUSINESS BEFORE THE COMMISSION** (for discussion only)

There was no other business before the Commission.

**PUBLIC COMMENT**

There was no other public comment at this meeting.

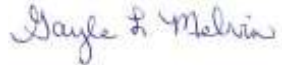
**NEXT SCHEDULED MEETING**

The next meeting will be held on Friday, October 15, 2010 at 9:00 a.m.

**ADJOURNMENT**

A motion was made by Mr. Allamong, seconded by Ms. Stokes to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 3:50 p.m.

Respectfully submitted,



Gayle L. Melvin  
Administrative Specialist III