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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, June 9, 2011 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	July 14, 2011

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 R. Stokes, Public Member
Patricia O'Brien, Public Member
Ricky H. Allamong, Professional Member
James C. Brannon, Jr., Public Member
Michael Harrington, Sr., Professional Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

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

ALSO PRESENT

Tim Riale
Andy Taylor
Crystal Hudson, SCAOR
Eric Carlson
Susan Clark
Dottie Wells
Regina Lundeen, DAR

Susan Purcell, DAG
Kathleen White Palmer, Court Reporter

CALL TO ORDER

Mr. White called the meeting to order at 9:04 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Staton, seconded by Mr. Brannon to approve the minutes of the meeting held on May 20, 2011. The motion passed unanimously.

OLD BUSINESS

Sign Final Orders from Rule to Show Cause Hearings Held on March 22, 2011

Commission members signed the final orders from the rule to show cause hearings held on March 22, 2011 for Simon Njogu, Colleen T. Mawn and Robin McKinney Newman.

Sign Final Order from Hearing Held for Case No. 02-40-07 Against Michele L. Spaulding

Commission members signed the final order from the hearing held for Case No. 02-40-07 against Michele L. Spaulding.

Sign Final Orders from Rule to Show Cause Hearings Held on May 20, 2011

Commission members signed the final orders from the rule to show cause hearings held on May 20, 2011 for Gerard A. Cain, Jennifer R. Behm, Kevin Odle, Margaret Poisson, Candy L. Jock, Nicole Bustamante, Leashawn Malone and Peter Holtz.

Discussion: Annual Seminar

A discussion was held regarding the annual seminar. It was discussed having Mr. Whitfield speak on the changes to the statute, Mr. Taylor speak on presumed agency and someone from the Attorney General's Office speak on consumer protection and their point of view on foreclosures.

Report on ARELLO Mid-Year Meeting Held on April 4-6, 2011 – Mr. White

Mr. White had previously given Commission members a copy of his written report. If anyone has questions, they should let him know. He reported that the Annual Meeting will be held in Baltimore, Maryland on September 28th to October 1st. If any Commission member is interested in attending, they should let Ms. Melvin know as soon as possible.

NEW BUSINESS

Education Committee Report

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

A motion was made by Mr. Whitfield, seconded by Mr. Brannon to approve and deny course providers, instructor applications and student requests as noted in the minutes of the June 2, 2011 meeting of the Real Estate Education Committee. The motion passed unanimously.

Review of Revised Draft of Core Course Contents

Mr. Riale reported that the changes to the modules that were discussed at the last meeting had been made. The 3 hours of fair housing listed in Core Module 1 will be corrected. Commission members reviewed the revised draft. A motion was made by Mr. Whitfield, seconded by Mr. Brannon to approve the Core Course Contents with the correction. The motion passed unanimously. Ms. Heeney advised that this will be placed in the rules and regulations so a Public Hearing will need to be held.

Review of Sample Certificate for Continuing Education Courses

The Commission reviewed the revised draft of the sample certificate that will be issued to licensees when they complete continuing education courses. There will be two separate certificate templates, one for original certificates and one for re-issued certificates. A motion was made by Mr. Whitfield, seconded by Mr. Brannon to approve the certificate. The motion passed unanimously.

Review of Delaware Canons of Ethics for the Real Estate Industry

Commission members received a copy of the Delaware Canons of Ethics for the Real Estate Industry for review. This will be discussed at the next meeting.

Review of Course Outline Template

This was tabled until the next meeting.

Applications for Licensure

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

Dara Schumaier, Ocean Atlantic Sotheby's International Realty, Rehoboth Beach, DE
Tiffany Garber, Prudential Fox & Roach, Newark, DE
Cheryl Webb, Patterson-Schwartz, Hockessin, DE
Charles Gilbert, Keller Williams Realty, Christiana, DE
Maria Georgalas, Century 21 Alliance, Aston, PA
Georgia Palermo, Weichert Realtors, Chadds Ford, PA
Jacqueline McCleary, Weichert Realtors, Chadds Ford, PA
Matthew Peters, ReMax Horizons, Dover, DE
Jeffrey Lanci, National Referral Service, Hockessin, DE
Timothy Hidell, ReMax Realty Group, Rehoboth Beach, DE
Kayla Karnai, Weichert Realtors, Wilmington, DE
Jeremy Carvell, Tansey-Warner Realty, Bethany Beach, DE
Eric Chapman, Patterson-Schwartz, Hockessin, DE
Sharon Tashjian, Prudential Fox & Roach, Hockessin, DE
Crystal Rodriguez, Patterson-Schwartz, Newark, DE
Beverly Rockwell, Patterson-Schwartz, Elkton, MD
Scherie Drzymalski, Burns & Ellis Realtors, Dover, DE
James Devonshire, Century 21 The Real Estate Store, Boothwyn, PA

Theresa Houghton-Fryer, Keller Williams, Media, PA
Vanessa Jackson, Coldwell Banker Preferred, Media, PA

The motion passed unanimously.

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

The application of David Krieger for a resident broker's license was reviewed. Mr. Krieger requested a waiver of the 30 sales transactions based on his extensive real estate experience and active involvement as a real estate broker in Pennsylvania. This experience included the management of two offices as a broker and overseeing nine offices and 565 agents as senior vice president. A motion was made by Mr. Staton, seconded by Mr. Whitfield to grant the waiver and to approve this application. The motion passed unanimously.

The application of Susan Clark for a resident broker's license was reviewed. A motion was made by Mr. Allamong, seconded by Mr. Brannon to approve this application. The motion passed unanimously.

New Offices

The application of Alliance Realty & Auction Co. for a new office was reviewed. A motion was made by Mr. Harrington, seconded by Mr. Allamong to approve this office. The motion passed unanimously.

The application of National Real Estate Referral Group for a new office was reviewed. A motion was made by Mr. Staton, seconded by Ms. O'Brien to approve this office pending receipt of the required pictures of the office. The motion passed unanimously.

Reinstatement of License

The application of Donald Dykes for reinstatement of a resident salesperson's license was reviewed. A motion was made by Ms. O'Brien, seconded by Mr. Brannon to approve Mr. Dykes for reinstatement pending passing the national portion of the exam. The motion passed unanimously.

The application of Steven Marker for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Allamong, seconded by Mr. Brannon to approve Mr. Marker for reinstatement pending passing the state portion of the exam. The continuing education courses that Mr. Marker submitted for reinstatement cannot be used for the 2012 renewal and his record will be flagged for audit for the 2012 renewal. The motion passed unanimously.

The application of Garnett Desgoutte for reinstatement of a resident salesperson's license was reviewed. A motion was made by Ms. Stokes, seconded by Mr. Allamong to approve Mr. Desgoutte for reinstatement pending passing the state portion of the exam. The continuing education that Mr. Desgoutte submitted for reinstatement cannot be used for the 2012 renewal and his record will be flagged for audit for the 2012 renewal. The motion passed unanimously.

Status of Complaint

Complaint No. 02-07-11 – Closed

Election of Officers

A motion was made by Mr. Allamong, seconded by Ms. Stokes to nominate the following officers:

Chairperson – Mr. Staton
Vice-Chairperson – Mr. Whitfield
Secretary – Mr. Harrington

The motion passed unanimously.

HEARINGS

David Della Porta: Regarding the Commission's Proposal to Deny of his Application for a Non-Resident Broker's License

Ms. Heeney reported that she had spoken with Mr. Eric Carlson, representative for Mr. Della Porta. Mr. Della Porta was unable to attend the hearing, but had indicated that Mr. Carlson would appear on his behalf. After discussion, a motion was made by Mr. Whitfield, seconded by Ms. Stokes to grant a continuance of the hearing. The motion passed unanimously.

Case No. 02-34-08 Against Dorothy L. Palmatary a/ka/ Dorothy L. Simon

Ms. Heeney called the formal hearing to order at 9:44 a.m. This hearing was held to receive evidence in the matter of Case No. 02-34-08 against Dorothy L. Palmatary a/k/a Dorothy L. Simon. Mr. Givens, former Commission member, was the contact person for the complaint. Present for the hearing was Susan Purcell, Deputy Attorney General. Verbatim testimony was recorded by the court reporter.

Ms. Purcell presented her case. Ms. Purcell called Ms. Melvin as her witness. Ms. Melvin testified regarding the hearing notice and the cancellation of Ms. Palmatary's license.

The Commission went off the record at 10:08 a.m. to hold deliberations. The Commission went back on the record at 10:29 a.m. A motion was made by Mr. Staton, seconded by Mr. Allamong that in Case No. 02-34-08 against Dorothy L. Palmatary a/k/a Dorothy L. Simon, the State has met its burden of proof on Count 1, but not on Count 2 and Ms. Palmatary's license shall be suspended until she appears before the Commission. Mr. Emory, Mr. Brannon, Mr. White, Ms. Stokes, Ms. O'Brien and Mr. Whitfield voted against the motion. The motion failed to pass. A motion was made by Mr. Whitfield, seconded by Mr. Emory that in Case No. 02-34-08 against Dorothy L. Palmatary a/k/a Dorothy L. Simon, the State has met its burden of proof on Count 1, but not on Count 2 and Ms. Palmatary's license shall be revoked. The motion passed by majority vote. Mr. Staton, Mr. Allamong and Mr. Harrington voted against the motion. The hearing ended at 10:30 a.m.

OLD BUSINESS CONTINUED

Discussion of Commission's Proposed Legislation: Property Management Exemption

Mr. Whitfield reported that the Commission should expect an amendment request to the exemption provision for property managers from the Delaware Apartment Association. The current proposed language allows property managers of five residential units or more to negotiate and write leases. All other property managers would be exempt provided they are not leasing. A motion was made by Mr. Whitfield, seconded by Ms. Stokes to approve amending Section 2901(e) to expand the definition of person as proposed by the Delaware Apartment Association. The motion passed unanimously.

NEW BUSINESS CONTINUED

Review of Email from Darrin Price Requesting to Complete the Pre-Licensing Course

Commission members reviewed the email from Mr. Price requesting to complete the pre-licensing course. Mr. Harrington provided additional information regarding this request. A motion was made by Mr. Brannon, seconded by Ms. Stokes to deny Mr. Price's request. The motion passed by majority vote. Mr. Harrington abstained from the vote.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Ms. Warren provided an outline regarding auctioneer licensing which included the issues, possible alternatives and recommendations. Ms. Warren was not present during this discussion so the Commission was not sure who prepared the document. Mr. Taylor stated that he thought that it was DAR information. He also stated that he believed there was a possibility that the auctioneers would proceed with a shorter bill addressing the exemption issue where auctioneers would be exempt on the day of the auction only. A discussion was held regarding this issue. Mr. Staton suggested that the Commission should argue against any exemption for auctioneers. Ms. Heeney advised that the proposed bill that was approved by the Commission and sent to the Joint Sunset Committee included the exemption. A motion was made by Mr. Whitfield, seconded by Mr. Staton that if the Commission gets an opportunity to clarify the auctioneer exemption, the Commission should take advantage of it. The motion passed unanimously. Mr. White requested that Ms. Melvin email a copy of the outline to Commission members.

Mr. White thanked Commission members for all of their work and support during his term as Chairperson.

PUBLIC COMMENT

There was no public comment at this meeting.


NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, July 14, 2011 at 9:00 a.m.

ADJOURNMENT

A motion was made by Ms. Stokes, seconded by Mr. Brannon to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 12:47 p.m.

Respectfully submitted,



Gayle L. Melvin
Administrative Specialist III