



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, November 10, 2011 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Public Service Commission Hearing Room First Floor of the Cannon Building
MINUTES APPROVED:	December 6, 2011

MEMBERS PRESENT

Andrew Staton, Professional Member, Chairman
Michael Harrington, Sr., Professional Member, Secretary
James C. Brannon, Jr., Public Member
Patricia O'Brien, Public Member
Ricky H. Allamong, Professional Member
Vincent M. White, Professional Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Heeney, Deputy Attorney General
Gayle Melvin, Administrative Specialist III

MEMBERS ABSENT

Christopher J. Whitfield, Professional Member, Vice Chairman
Gilbert Emory, Public Member
Denise R. Stokes, Public Member

ALSO PRESENT

Andrew Taylor
Charlotte Herbert
Crystal Hudson
Tim Riale
John Evans
Thomas Bisanz

Paula Castiglione
Vera Sitze, Court Reporter

CALL TO ORDER

Mr. Staton called the meeting to order at 9:02 a.m.

REVIEW OF MINUTES

A motion was made by Mr. Harrington, seconded by Ms. O'Brien to approve the minutes of the meeting held on October 13, 2011. The motion passed unanimously.

OLD BUSINESS

Sign Final Order from Hearing Held for Sheldon Thomas

The final order from the hearing held for Sheldon Thomas was signed by Commission members.

Sign Final Order from Rule to Show Cause Hearing held for Sharon Burkett

The final order from the rule to show cause hearing held for Sharon Burkett was signed by Commission members.

NEW BUSINESS

Applications for Licensure

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

Janet Tyler, Keller Williams Real Estate, Media, PA
Gail Schaffer, Coldwell Banker Preferred, Wilmington, DE
Sandra Baker, Metro Referrals, Bear, DE
Richard Kramer, National Referral Real Estate, Wilmington, DE
Lydia Rittersbacher, Hileman Real Estate, Inc., Berlin, MD
Brian Cooper, Ocean Atlantic Sotheby's, Rehoboth Beach, DE
Mohammad Sharar, Harrington ERA Realty, Inc., Dover, DE
Adam Pettengell, Ocean Atlantic Sotheby's, Rehoboth Beach, DE
Susan Nalley, Coldwell Banker Residential Brokerage, Bethany Beach, DE
David Healy, Jones Lang LaSalle, Philadelphia, PA
Jeanne Coppola, Long & Foster, Rehoboth Beach, DE
Valentina Plachuta, Century 21 The Real Estate Store, Garnet Valley, PA
Deborah Baker, Patterson Schwartz, Hockessin, DE
Lena Farrington, Keller Williams Realty Central Delaware, Dover, DE
Michael DiLauro, The Peninsula, Millsboro, DE
John Otto, Prudential Fox & Roach, Wilmington, DE
Kimberly Koppelman, Prudential Fox & Roach, Newark, DE
Kristine Maroney, Brandywine Real Estate Corp., Chadds Ford, PA
Blaise Fletcher, Jones Lang LaSalle of Pennsylvania, Philadelphia, PA
Adrienne McGrellis, Coldwell Banker Preferred, Wilmington, DE
Debra Toogood, Keller Williams, Christiana, DE

The motion passed unanimously.

The application of Kevin Murphy for a non-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.

The application of David Panzer for a resident broker's license was reviewed. A motion was made by Mr. Allamong, seconded by Mr. Harrington to approve this application and to require that Mr. Panzer complete 15 hours of continuing education for the 2012 renewal and his record will be flagged for audit for the 2012 renewal. The motion passed by majority vote. Mr. White and Mr. Brannon voted against the motion.

The application of Cheri Clarke for a resident broker's license was reviewed. A motion was made by Ms. O'Brien, seconded by Mr. Harrington to approve this application. The motion passed unanimously.

The application of George Thomasson for a resident broker's license was reviewed. A motion was made by Mr. Harrington, seconded by Mr. Brannon to approve this application. The motion passed by majority vote. Mr. Allamong and Mr. Staton abstain from the vote.

New Office

The application of First Class Property Management of DE, LLC for a new office was reviewed. A motion was made by Mr. Harrington, seconded by Mr. Allamong to return this application for clarification. Mr. Taylor, attorney for the Audrey Brodie, broker of record, spoke regarding the application. A motion was made by Mr. Harrington, seconded by Mr. Allamong to amend the motion to approve the application due to the presence of the attorney that represents the office and allow him to amend the application so that it will comply with the rules and regulations. The motion passed unanimously.

HEARINGS

John Evans Regarding the Commission's Proposal to Deny of his Application for a Non-Resident Broker's License

Ms. Heeney called the formal hearing to order at 9:30 a.m. At its meeting on October 13, 2011, the Commission proposed to deny Mr. Evans' application for a non-resident broker's license because he did not meet the requirements for licensure set forth in Rule and Regulation 3.2.2 which states that the applicant shall submit to the Commission a list of at least thirty (30) sales or other qualified transactions, showing dates, location, purchaser's name and seller's name. These sales must have been made by the applicant within the previous five (5) years through the general brokerage business and not as a representative of a builder, developer, and/or subdivider. Transactions involving time-shares, leases, or property management are not qualified transactions for purposes of obtaining a real estate broker's license. The Commission reserves the right to waive any of the above requirements, upon evidence that the applicant possesses sufficient experience in the real estate business or demonstrates collateral experience to the Commission. Mr. Evans set forth, in writing, that he wished to waive his right to 20 days' notice of the hearing and wanted to proceed with the matter at this meeting.

Present for the hearing was Mr. Evans. Mr. Evans was sworn in by the court reporter. Verbatim testimony was recorded by the court reporter. Mr. Evans presented testimony and answered questions from Commission members.

The Commission went off the record at 9:38 a.m. to hold deliberations. The Commission went back on the record at 9:40 a.m. A motion was made by Mr. Allamong, seconded by Mr. Harrington to approve Mr. Evans' application for licensure based on Exhibit 2 which shows 30 qualified leases and transactions. The motion passed unanimously. The hearing ended at 9:41 a.m.

Thomas Bisanz Regarding the Commission's Proposal to Deny of his Application for a Non-Resident Broker's License

Ms. Heeney called the formal hearing to order at 9:49 a.m. At its meeting on October 13, 2011, the Commission proposed to deny Mr. Bisanz's application for a non-resident broker's license because he did not meet the requirements for licensure set forth in Rule and Regulation 3.2.2 which states that the applicant shall submit to the Commission a list of at least thirty (30) sales or other qualified transactions, showing dates, location, purchaser's name and seller's name. These sales must have been made by the applicant within the previous five (5) years through the general brokerage business and not as a representative of a builder, developer, and/or subdivider. Transactions involving time-shares, leases, or property management are not qualified transactions for purposes of obtaining a real estate broker's license. The Commission reserves the right to waive any of the above requirements, upon evidence that the applicant possesses sufficient experience in the real estate business or demonstrates collateral experience to the Commission. Mr. Bisanz set forth, in writing, that he wished to waive his right to 20 days' notice of the hearing and wanted to proceed with the matter at this meeting.

Present for the hearing was Mr. Bisanz. Mr. Bisanz was sworn in by the court reporter. Verbatim testimony was recorded by the court reporter. Mr. Bisanz presented testimony and answered questions from Commission members.

The Commission went off the record at 10:14 a.m. to hold deliberations. The Commission went back on the record at 10:22 a.m. A motion was made by Mr. Allamong, seconded by Mr. Harrington to approve the non-resident broker's license for Thomas Bisanz based on his testimony of completing 23 transactions in the past five years and that the evidence showed that he had been engaged to provide real estate services for multiple clients and that Mr. Bisanz established both sufficient experience in the real estate profession and related collateral experience that warranted waiver of the 30 transactions requirement. The motion passed by majority vote. Mr. White voted against the motion. The hearing ended at 10:24 a.m.

A recess was taken from 10:25 a.m. to 10:29 a.m.

NEW BUSINESS CONTINUED

Reinstatement of Licenses

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

The application of Debra Hartney for reinstatement of a resident salesperson's license was reviewed. A motion was made by Ms. O'Brien, seconded by Mr. Brannon to approve Ms. Hartney for reinstatement. The motion passed unanimously.

Status of Complaints

Complaint No. 02-19-11 – Assigned to Mr. White
Complaint No. 02-20-11 – Assigned to Mr. Staton
Complaint No. 02-21-11 – Assigned to Mr. White

Education Committee Report

Mr. Riale reported that the correspondence from Denise Tatman regarding the changes in the continuing education requirements and its financial impact to course providers has been tabled.

Mr. Riale reported that the Education Committee starting reviewing and revising the Education Guidelines. This will be continued at the next meeting.

Mr. Riale reported that the Education Committee discussed the number of hours for the pre-licensing course. It was decided to recommend to the Real Estate Commission to increase the number of pre-licensing course hours to 110 hours, allocating 39 hours to sales, 41 hours to law, 24 hours to math, 3 hours to orientation and 3 hours for the final examination and for the course to be prepared in a modular format.

Mr. Riale reported that the Education Committee has received correspondence regarding out-of-state instructors being required to complete the 3 hour “Train the Trainer” course. The Committee felt that in order to protect the integrity of the course and how it is being taught, that no exceptions will be made for those instructors. After discussion, a motion was made by Mr. Allamong, seconded by Mr. Harrington to exempt the instructors of Contemporary Issues from being required to take the “Train the Trainer” course. The motion passed unanimously.

Discussion: Draft of Proposed Protocol for Negative Course Evaluations

Mr. Riale reported that the final draft of the proposed protocol for negative course evaluations will be reviewed at the next meeting and will be incorporated into the Education Guidelines.

Review of Resume of Casey Price for Appointment to the Education Committee

The Commission reviewed the resume of Casey Price for appointment to the Education Committee as a Sussex County professional member. A motion was made by Mr. White, seconded by Mr. Harrington to approve the appointment of Ms. Price to the Education Committee. The motion passed unanimously.

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

A motion was made by Mr. White, seconded by Mr. Brannon to approve and deny course providers, instructor applications and student requests as noted in the minutes of the November 3, 2011 meeting of the Real Estate Education Committee. The motion passed unanimously.

Letter from James and Virginia Hegedus Regarding the Commission’s Final Order for Complaint No. 02-42-08

The Commission reviewed the letter from James and Virginia Hegedus regarding the final order for Complaint No. 02-42-08. Ms. Heeney advised that the Attorney General's Office will respond to the letter and that final orders are not subject to change.

Review of Consumer Information Statements

Mr. Taylor provided Commission members with the latest draft of the Consumer Information Statements. He will provide a final draft once all changes have been made.

Review of Proposed Revisions to the Rules and Regulations

The Commission reviewed the proposed revisions to the rules and regulations that were submitted by the Subcommittee to Review Statute Revisions. A motion was made by Mr. Allamong, seconded by Mr. White to approve the proposed revisions to the rules and regulations to go to a Public Hearing. The motion passed unanimously.

A motion was made by Mr. Allamong, seconded by Ms. O'Brien to give Ms. Heeney the authority to change "national examination" to "general examination" in the proposed revisions to the rules and regulations. The motion passed unanimously.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Mr. Harrington reported that he has heard from Katherine Connelly, Executive Director of the Maryland Real Estate Commission, and she is going to coordinate a meeting between Maryland, Pennsylvania, New Jersey and Delaware to discuss issues such as reciprocity with continuing education.

PUBLIC COMMENT

There was no public comment at this meeting.

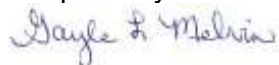
NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, December 8, 2011 at 9:00 a.m.

ADJOURNMENT

A motion was made by Mr. Brannon, seconded by Mr. Allamong to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:45 a.m.

Respectfully submitted,



Gayle L. Melvin
Administrative Specialist III