



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, April 11, 2013 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	May 9, 2013

MEMBERS PRESENT

Christopher J. Whitfield, Professional Member, Chairman
Michael Harrington, Sr., Professional Member, Vice Chairman
Andrew Staton, Professional Member, Secretary
Ricky H. Allamong, Professional Member
Gilbert Emory, Public Member
Joseph F. McCann, Public Member
James C. Brannon, Jr., Public Member
Patricia O'Brien, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Nicole Williams, Administrative Specialist II
Lisa Smith, Administrative Specialist II

MEMBERS ABSENT

Vincent M. White, Professional Member

ALSO PRESENT

Denise Tatman, DAR
Ben Steward, DAR
Danielle Benson, REC Education Committee
Lorena Hartnett, R.P.R.

CALL TO ORDER

Mr. Whitfield called the meeting to order at 9:06 a.m.

REVIEW OF MINUTES

Mr. Staton made a motion, seconded by Mr. McCann, to approve the minutes of the meeting held on March 14, 2013. By unanimous vote, the motion carried.

NEW BUSINESS

Education Committee Report

Danielle Benson addressed the Commission regarding the Committee's education approvals. The Committee meeting adjourned earlier than anticipated because of a quorum issue. Therefore, the Committee tabled the discussion of the informational program for education providers.

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

Mr. Staton made a motion, seconded by Mr. McCann, to approve to the education approvals submitted to the Education Committee. By unanimous vote, the motion carried.

Review Resume from Michael Rushe for Appointment to the Education Committee to Fill the Kent County Public Member Vacancy

Mr. Staton made a motion, seconded by Mr. Harrington to approve the resume for Michael Rush as the new Kent County public member to the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Staton made a motion, seconded by Ms. O'Brien to ratify the following applications for salespersons:

Catherine Basenese, Long & Foster, Rehoboth Beach, DE
Michael Hunter, Keller Williams Realty Central Delaware, Dover, DE
Susan Raymond, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Harry Mazzio, III, Prudential Fox & Roach, Hockessin, DE
Marie Laduca, Long & Foster, Rehoboth Beach, DE
Albert Johnson, Beach Bound Realty, Dagsboro, DE
Shannon Fortner, Keller Williams Realty, Christiana, DE
Joshua Knapp, NextRE, Middletown, DE
Canli Hua, Prudential Fox & Roach, Newark, DE
Susan White, Exit Realty, Dover, DE
Thaddeus Hudson, Delaware Realty, Lewes, DE
James Kurfuerst, Patterson Schwartz, Hockessin, DE
Bryan Honaker, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Miguel Montalvo, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Corrina Brown, Patterson Schwartz, Hockessin, DE
Diahnne Johnson, Weichert Realtors, Wilmington, DE
Kimberly Capano, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Brian Pendleton, Prudential Fox & Roach, Newark, DE
Gordon Sprigg, Jack Lingo, Inc., Realtor, Millsboro, DE
Patricia Coluzzi, Coldwell Banker Resort Realty, Rehoboth Beach, DE
Mark Dyer, Sr., Keller Williams Realty Central Delaware, Dover, DE
Yao Li, Patterson Schwartz, Hockessin, DE
Christine Varner, Mann & Sons, Inc. Realtors, Rehoboth Beach, DE
Cynthia Brooks, Metro Referral Associates, Chantilly, VA
Jason Bramble, Prudential Fox & Roach, Newark, DE
Darlene Kurten, Prudential Fox & Roach, Wilmington, DE

Kimberli Klippenstein, Jack Lingo, Inc., Realtor, Millsboro, DE
Dominick Selvaggi, Prudential Fox & Roach, Newark, DE
Maryellen Rosenblit, Coldwell Banker Residential Brokerage, Ocean City, MD
Margaret Lorii, Prudential Gallo, Rehoboth Beach, DE
Nancy Joseph, Crowley Associates Realty, Inc., Rehoboth Beach, DE
Rene Mazzola, Keller Williams Realty, Wilmington, DE
Randolph Davis, Delaware Realty, Lewes, DE
JoAnn Brandt, Exit Realty "The Tri-State Group", Dover, DE
Melinda Euler, Resort Referral Services, LLC, Rehoboth Beach, DE
Stephen DelCollo, Jack Lingo, Inc., Realtor, Lewes, DE
Patience Karlik, Mann & Sons, Inc., Rehoboth Beach, DE
June Oppenheim, Patterson Schwartz & Associates, Hockessin, DE
Richard Decker, Beiler-Campbell Realtors, Kennett Square, PA
Henry Nazdrowicz, Patterson Schwartz, Newark, DE
Brett Wilkinson, Prudential Gallo, Realtors, Lewes, DE
David Plivelich, Prudential Gallo, Realtors, Lewes, DE
Aaron Hood, Prudential Gallo, Realtors, Lewes, DE
Cheryl Davidson, Delmarva Real Estate Services, Inc., Georgetown, DE

By unanimous vote, the motion carried.

Review of Salesperson Applications

The Commission reviewed the salesperson's application of Linda Carroll. Mr. Staton made a motion, seconded by Mr. Harrington, to approve Ms. Carroll's application. By unanimous vote, the motion carried.

The Commission reviewed the salesperson's application of Tami Crossan. Mr. Harrington made a motion, seconded by Mr. Emory, to approve Ms. Crossan's application. By unanimous vote, the motion carried.

Mr. Whitfield made a motion to move the hearing for Mr. Benjamin Steward to later in the meeting to allow time for the court reporter to attend, seconded by Mr. Staton. By unanimous vote, the motion carried.

The court reporter arrived and the Commission moved to the hearing for Benjamin Steward.

Review of Applications for Reinstatement

The Commission reviewed the application of Deanna Hoover for reinstatement of a salesperson's license. Mr. Harrington made a motion, seconded by Ms. O'Brien, to approve Ms. Hoover's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Andrea Bond for reinstatement of a salesperson's license. Mr. Staton made a motion, seconded by Mr. McCann to approve Ms. Bond's reinstatement application upon successful passing of the Delaware State Exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Alexander Gamble for reinstatement of a salesperson's license. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Gamble's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Michael Staring for reinstatement of a salesperson's license. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Staring's reinstatement application. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of The Moving Experience for a new office. Mr. Allamong made a motion, seconded by Mr. Harrington, to approve this new office application. By unanimous vote, the motion carried.

The Commission reviewed and discussed the application of Coastal Real Estate, Inc. for reinstatement of the office. Mr. Allamong stated that the application appears to be incomplete. Ms. Williams advised that escrow information is not required for reinstatement applications. Mr. Allamong concurred. Mr. Allamong made a motion, seconded by Mr. Harrington, to approve the reinstatement application for the office. By unanimous vote, the motion carried.

Status of Complaints

Complaint No. 02-11-12 – Closed

Complaint 02-15-13 – Assigned to Mr. Whitfield

OLD BUSINESS

Hearing: Benjamin Steward Regarding the Commission's Proposal to Deny His Application for a Salesperson's License

The hearing went on the record at 9:17 a.m. Ms. Kelly opened the floor for the hearing and asked the Commissioners to introduce themselves for the record. Mr. Steward introduced himself to the Commission and waived his right to the 20 day notice for the hearing. Ms. Kelly advised the Commission that the reason for the hearing was based on the Commission's proposal to deny Mr. Steward's application for licensure as he was the recipient of administrative penalties in the States of Washington and the District of Columbia which is in violation of the Commission's statute.

Ms. Kelly marked Exhibit 1 for the record as the completed application for a salesperson license by reciprocity submitted by Mr. Steward and all supporting documentation including the Commission's notice of proposal to deny his application. Mr. Steward was sworn in by the court reporter. Mr. Steward addressed the Commission regarding his application. The Commission addressed Mr. Steward. The hearing went off the record at 9:31 a.m. for deliberations. The Commission went back on record at 9:33 a.m. Mr. Harrington made a motion to approve the application for a salesperson's license for Mr. Steward on the grounds that the administrative penalties and disciplinary actions taken by the other jurisdictions has no impact on his application for licensure, seconded by Mr. Brannon. By majority vote, the motion carried.

The hearing adjourned at 9:34 a.m. The Commission went back to the agenda item for approval of applications for reinstatement.

Discussion on Revisions to Education Committee Guidelines

Ms. Kelly advised that she did not publish therevisions as they needed further clarification. Ms. Benson advised that she wanted to have the committee decreased to nine (9) members and increase the amount of terms the members can serve. Mr. Whitfield provided his recommendations. Ms. Kelly advised that she can make the rule change retroactive to today's date of April 11, 2013. Mr. Allamong made a motion to amend the regulations to reduce the number of members from twelve to nine through attrition and allow for each member to have the additional three year renewal for their term and the quorum will be based on the number of members appointed to the Committee during this attrition period

and retroactive to today's date of April 11, 2013, seconded by Mr. Staton. By unanimous vote, the motion carried.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Mr. Whitfield advised that he had someone contact him for clarification on out of state licenses since we no longer have out of state licenses, there is only one license. This person is consolidating their Delaware office with their Pennsylvania office in PA and the office only has one person with a DE license. The licensee wants to know if he can be in the PA office with a DE license or does he need a PA license too. Mr. Allamong stated it has to be an approved office. Mr. Whitfield stated that it is an approved office in DE. Mr. Allamong advised that it would be a PA rule to have the licensee in the PA office and have a PA license as well as the DE license and would need to be based on PA's statute. Mr. Harrington advised that from his standpoint in the State of MD all licensees have to be licensed in MD because he is a licensed agent/broker in MD. Mr. Harrington asked to have Ms. Kelly look further into this matter for more information but from his practical standpoint the person would need a PA license to be in a PA office. Ms. Kelly advised that this topic was brought before her once before. Mr. Allamong advised that the previous requirement was for the licensee to get a resident or non-resident license; however that has since changed as the Commission has only the one license now. Mr. Staton advised that the old requirement for a transfer to another state was to show proof that they had a license in that other state office for where they transferred. Mr. Allamong advised to have this topic of "out of state transfers" on the agenda for the next meeting. There was no further discussion.

Mr. Allamong brought to the attention of the Commission for discussion of Rule 12.1 which refers to taking both the general and state examination after the license has lapsed for two or more years but is silent on how much continuing education should be required. Mr. Allamong stated the question was posed if the licensee has to take the 99-hour pre-licensing course to meet the continuing education requirements for reinstatement. Mr. Staton advised that basically the licensee is again applying for a license by taking both portions of the exam again. Mr. Allamong advised that Pearson Vue requires proof of continuing education in order to sit for the test. Mr. Whitfield advised that it appears a waiver will have to be given from the Commission. Mr. Staton advised that he thought the requirement was for the licensee to have to do the 99-hour pre-licensing course again since they are starting over by having to take both exams over again. Ms. Kelly stated that according to the rules the continuing education does not have to be met since the license has expired over two years; therefore the licensee only needs to take the exams again. Mr. Whitfield advised what the statute states regarding continuing education for renewal. Ms. Kelly clarified that the statute refers to only those that renewed and did not lapse. There was further discussion by the Commission and Ms. Kelly. Mr. Allamong stated this issue is being posed to the Commission because two different answers have been given in the recent past. Mr. Harrington asked to add the topic of continuing education requirements for reinstatement of licensure after it has lapsed for two years or more to the agenda for discussion next month. Ms. Kelly advised that the current regulations do not require continuing education completion. Ms. Williams will add to the May agenda the topic of Rule 12.1 Reinstatement of License and Continuing Education.

Ms. Kelly stated to the Commission that concern had been brought to her attention regarding having cocktails during an education class. Ms. Kelly inquired if the Commission wanted to have this discussed during another meeting or this meeting. Mr. Harrington and Mr. Staton advised that the Commission should think about this topic for future discussion.

Ms. Benson advised about the seating issue at the workshops. Mr. Staton advised that the seating should be available for everyone in the room and a table for someone to be able to write. Ms. Benson advised that having table is harder to obtain, but having appropriate seating is doable. There was no further business for discussion before the Commission.

PUBLIC COMMENT

There was no public comment at this meeting.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, May 9, 2013 at 9:00 a.m.

ADJOURNMENT

Mr. Staton advised he will not be present for the May meeting then made a motion, seconded by Mr. Brannon, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:19 a.m.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.