



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

**STATE OF DELAWARE
REAL ESTATE COMMISSION**

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us

PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, November 13, 2014 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	December 11, 2014

MEMBERS PRESENT

Andrew Staton, Professional Member, Chairman
Justin Healy, Professional Member, Secretary
Jason Giles, Professional Member
Michael Harrington, Sr., Professional Member
Lynn Rogers, Public Member
Curtis Rogers, Public Member
Joseph F. McCann, Public Member
Gilbert Emory, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Jessica Williams, Administrative Specialist II
David Mangler, Director of Professional Regulation

MEMBERS ABSENT

ALSO PRESENT

Donna Klimowicz, Real Estate Education Committee
Angela Emerson, SCAOR
Denise Tatman, DAR
John Mastriana
Chris Whitfield
Joe Fitzgerald
John Villabona
Michael Salove

CALL TO ORDER

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

Mr. Staton called for a motion to amend the agenda to add Elizabeth Robbins to 3.3.3.8 and to table the election of Vice Chairperson until the next meeting.

Mr. Healy made a motion, seconded by Mr. Harrington, to amend the agenda. By unanimous vote, the motion carried.

Welcome New Member to the Commission – Jason Giles
Mr. Staton welcomed Mr. Jason Giles to the Commission.

REVIEW OF MINUTES

Mr. Harrington made a motion, seconded by Mr. McCann, to approve the minutes of the meeting held on October 9, 2014. By unanimous vote, the motion carried.

NEW BUSINESS

Discussion and Review of Hearing Officer Recommendations

Carl Hill – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Emory describing the sanctions. After discussion, Mr. Emory made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Charles Holts – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Healy describing the sanctions. After discussion, Mr. Healy made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Nicholas Johnson – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. After discussion, Mr. Harrington made a motion, seconded by Mr. McCann, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

John Mastriana – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. Mr. Mastriana was at the meeting to address the Commission. After discussion, Mr. Staton made a motion, seconded by Mr. Giles, to accept the Hearing Officer's recommendation. Mr. Staton withdrew his original motion. Mr. Emory made a motion, seconded by Mr. McCann, to amend the hearing officer's recommendation to suspend Mr. Mastriana's license for 14 days. By majority vote, the motion carried with Mr. Harrington stepping out of the meeting.

Philip Twitchell – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. McCann describing the sanctions. After discussion, Mr. McCann made a motion, seconded by Mr. L. Rogers, to accept the Hearing Officer's recommendation as written. By majority vote, the motion carried with Mr. Harrington stepping out of the meeting.

Mary Wanich – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. L. Rogers describing the sanctions. After discussion, Mr. L. Rogers made a motion, seconded by Mr. Giles, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Education Committee Report

Ms. Klimowicz went through the Education Committee minutes with the Commission. They had 2 course provider applications that were tabled because the outlines were not detailed enough, 18 new courses approved, 1 course providers application approved contingent on the Commission approving a new pre-licensing course outline, 2 course provider applications that were denied and 9 instructor

applications that were approved and 1 instructor application that was approved contingent on answering question 24 because it was not answered.

The Real Estate Education Committee is continuing to review the continuing education audits. The Education Committee approved their 2015 schedule; however in January the Committee will be holding their meeting the same day as the Commission, January 8th, due to January 2nd being the day after a holiday and people being away.

The Committee discussed the full draft of the outline that was approved by the Commission at last month's meeting and after discussion the Committee thought that maybe if they could get the instructors to do more of a workshop kind of environment that might get licensees more involved in the discussions. The Commission wants to modify the letter going out to provide information on knowledge based courses, so the letter has been put on hold.

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

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

Applications for Licensure

Ratification of Salesperson Applications

Mr. Healy made a motion, seconded by Mr. L. Rogers, to ratify the following applications for salespersons:

Keith Witte, Keller Williams Realty, Wilmington, DE
Robert Boggs, Long & Foster Real Estate, Bethany Beach, DE
Sherry Puchek, BHHS Fox & Roach, Devon, PA
Shelia Pacheco, Patterson Schwartz & Associates, Hockessin, DE
Ann Marie Deysher, Patterson Schwartz & Associates, Hockessin, DE
Regina Vitale, BHHS Fox & Roach, Hockessin, DE
Cynthia Higgins, BHHS Fox & Roach, Devon, PA
Brooks Morris, RE/MAX Crossroads, Fruitland, MD
Whitney Jarvis, Coldwell Banker Residential Brokerage, Ocean City, MD
William Bjorkland, Coldwell Banker Residential Brokerage, Bethany Beach, DE
Samantha Taraila, Buyer's Choice Real Estate Services, Ocean Pines, MD
Tjark Bateman, Jack Lingo, Inc., Rehoboth Beach, DE
Kimberly Jackson, BHHS Fox & Roach, Bear, DE
Patrice Williams, BHHS Fox & Roach, Bear, DE
Kris Johnson, BHHS Fox & Roach, Bear, DE
Muhammad Razaq, BHHS Fox & Roach, Greenville, DE
Kimberly Orth, BHHS Fox & Roach, Greenville, DE
Carol Stillwell-Receveur, Keller Williams Real Estate, Exton, PA
Trevor Saunders, Brandywine Realty Management, Wilmington, DE
Christopher Kraft, Builder Solutions Realty, Severna Park, MD
Rhonda Lerner, Long & Foster, Rehoboth Beach, DE
Anthony Caronia, Coldwell Banker, Bethany Beach, DE
John Lyons, BHHS Fox & Roach, Newark, DE
James Madgey, Long & Foster, Rehoboth Beach, DE
Morgan Benson, Century 21 Gold Key Realty, Newark, DE
Erin Mitcheltree, Olson Realty, Dover, DE
Judy Qu, BHHS Fox & Roach, Greenville, DE
Melissa Mallet, Keller Williams at the Beach, Rehoboth Beach, DE
Jennifer Gold, Ocean Atlantic Sotheby's Intl Realty, Rehoboth Beach, DE

Deneen Heffernan, Keller Williams Realty, Kennett Square, PA
Lindsay Schulze, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Crystal Caldron, First Class Property Management of DE, LLC, Dover, DE
Tony Sample, Coldwell Banker Resort Realty, Seaford, DE
Michael Webster, Alliance Real Estate Professionals, Seaford, DE
Fredrick Brandt, Realty Mark Associates, Philadelphia, PA

By unanimous vote, the motion carried.

Review of Broker and Associate Broker Applications

The Commission reviewed the associate broker's application of Gregory Erdie. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Mr. Erdie's application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Earl Robinson. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Mr. Robinson's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Timothy Maue. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Mr. Maue's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Mary Volpa. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Ms. Volpa's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Marian Eiermann. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Ms. Eiermann's application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Thomas Pisano. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Mr. Pisano's application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Taylor Connolly. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Mr. Connolly's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Albert Root. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Mr. Roots' application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Bobby Traynham. Mr. L. Rogers made a motion, seconded by Mr. Giles, to approve Mr. Traynham's application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Beverly Goldberg for reinstatement of a salesperson's license. Mr. L. Rogers made a motion, seconded by Mr. Emory, to approve Ms. Goldberg's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Russell Johnson for reinstatement of a salesperson's license. Mr. L. Rogers made a motion, seconded by Mr. Emory, to approve Mr. Russell's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Stephen Cook for reinstatement of a salesperson's license. Mr. L. Rogers made a motion, seconded by Mr. Emory, to approve Mr. Cook's reinstatement application upon successful passing of both exams. By unanimous vote, the motion carried.

The Commission reviewed the application of Wendell Moore for reinstatement of a salesperson's license. Mr. L. Rogers made a motion, seconded by Mr. Emory, to approve Mr. Moore's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Allen Handy for reinstatement of a salesperson's license. Mr. L. Rogers made a motion, seconded by Mr. Emory, to approve Mr. Hardy's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Jacqueline Hawkes for reinstatement of a salesperson's license. Mr. L. Rogers made a motion, seconded by Mr. Emory, to approve Ms. Hawkes' reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Jean Reith for reinstatement of a salesperson's license. Mr. L. Rogers made a motion, seconded by Mr. Emory, to approve Ms. Reith's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Elizabeth Robbins for reinstatement of an associate broker's license. Mr. L. Rogers made a motion, seconded by Mr. Emory, to approve Ms. Robbins' reinstatement application. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of John Masso for a new office. Mr. L. Rogers made a motion, seconded by Mr. McCann to approve the new office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Brandywine Properties Management, LP, for a new office. Mr. L. Rogers made a motion, seconded by Mr. McCann to approve the new office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Mid-Atlantic Realty Company for a relocation of office. Mr. L. Rogers made a motion, seconded by Mr. McCann to approve the relocation of office application. By unanimous vote, the motion carried.

The Commission reviewed the application of White Realty Associates, LLC, for a relocation of office. Mr. L. Rogers made a motion, seconded by Mr. McCann to approve the relocation of office application. By unanimous vote, the motion carried.

Status of Complaints

There were no new statuses of complaints.

Discussion: Continuing Education Requirements

Ms. Kelly directed the Commission to look at the rules and regulations regarding the proration. The issue was brought to Ms. Wagner's attention by the Operations Manager within the Division. The current language for proration would really only apply to newly licensed, never held a license before, salespersons not for all newly licensed in Delaware. Mr. Giles made a motion, seconded by Mr. L. Rogers, to delegate Ms. Kelly and Mr. Staton to draft language to update the proration in the rules and regulations and add to the proposed language approved for publication for December's registry.

Correspondence

Letter from Mr. Sikander Aasim from Maharzada Realtors, Inc.

The Commission discussed the letter submitted by Mr. Sikander Aasim. Mr. Aasim attested to completing the continuing education and in reality he did complete CE, but none of the CE was Delaware approved. The Commission is concerned that a person that attested to completing the required continuing education is still allowed to practice until they have their rule to show cause hearing. Ms. Kelly reminded the Commission that we have to allow a person their due process. Mr. Aasim was asking for a waiver from the Commission for the 2012-2014 renewal period regarding his continuing education. Mr. Staton made a motion, seconded by Mr. Healy, to deny Mr. Aasim's request and have a letter sent to Mr. Aasim letting him know that he will be receiving a rule to show cause hearing notice in the future. By unanimous vote, the motion carried.

Election Vice-Chairperson

This has been tabled until December's meeting.

Final Draft Review of Rules and Regulations changes

Mr. Whitfield gave a summary of the changes to the rules pertaining to auctioneers. Since there are a few new members of the Commission he further explained why the Commission was making changes to the rules and regulations to better explain the "exception for auctioneers" in the statute. The new rules will give the auctioneers the definition of what crying a sale is and that this is for the day of the sales only.

Mr. Joe Fitzgerald, who was at the meeting representing the auctioneers, asked if the Sub-Committee meetings were publicly notice. Ms. Kelly stated that the meetings were publicly noticed online.

Mr. Fitzgerald stated that at this time it is unclear if any Board or Commission could expand on a statute. Ms. Kelly stated that the Commission does not want to remove the exception that is currently in the statute. Boards and Commissions can clarify and implement by writing rules and regulations to something written in the statute. The exception in the statute leads you to the definitions in chapter 2301 section 8. Mr. Fitzgerald stated that what is being added is not found in the definition or statute itself. Mr. Fitzgerald stated that it appears to his client that making these changes is out of the Commission's scope. Auctioneers are not regulated by the Commission or any Board or Commission at this point. Mr. Fitzgerald would just like to know if this is something that needs to be addressed in a legislative way or can it be changed by adding rules and regulations. Mr. Fitzgerald stated that the auctioneers will be working on getting an opinion about the rules that the Commission is trying to implement. Mr. Fitzgerald wanted it stated for the record that the auctioneers association does not have legal counsel themselves but sought out an attorney to get an opinion on the new rules and regulations approved to move forward by the Commission.

Mr. Whitfield asked if any of the Commissioners had any questions. Mr. Lynn Rogers asked about when the auctioneers were speaking with the Commission earlier in the year and they were seeking to have additional days for the crying of a sale and allowing them to have multiple bidders. Mr. Whitfield stated that he does not feel that an auctioneer is limited to one bidder right now it is only going after the day of crying the sale to try and sale the property.

Mr. Harrington made a motion, seconded by Mr. McCann, to approve this to move to publication in the registry. By unanimous vote, the motion carried.

Mr. Harrington stepped out of the room from 10:08 a.m. entered back at 10:14 a.m.

Mr. Staton called for a break from 10:20 a.m. to 10:30 a.m.

OLD BUSINESS

Mr. Salove's response to Rule to Show Cause Order

Mr. Healy summarized the reason for Mr. Salove's appearance today in front of the Commission as is stated in his final order signed by the Commission. Mr. Salove's license has been suspended since September 11, 2014. Mr. Salove responded that he is appearing today as asked by the Commission to do so. Mr. Salove stated that his continuing education credits have been made up although the continuing education was not completed in the time frame. Mr. Salove stated that he is licensed in multiple states and the other states either accept CE from other states or accept the fact that Mr. Salove teaches at Wharton and/or that he is a national public speaker. Delaware does not accept these other means. Mr. Staton stated that what the Commission has upon them now is whether to lift the suspension on Mr. Salove or other sanctions.

Mr. Staton made a motion, seconded by C. Rogers, to lift the suspension of Mr. Salove's license. Discussion of motion, Mr. McCann stated that brokers should be held at a higher standard. Mr. Healy stated that the Commission usually has the person flagged for audit for the next renewal period. Mr. Healy feels the motion should be amended to add that Mr. Salove will be audited in 2014-2016 renewal period. Mr. Healy made a motion, seconded by Mr. Giles, to amend the original motion, to have Mr. Salove flagged for audit for the 2014-2016 renewal period. By majority vote, the motion carried, with Mr. McCann opposing.

Mr. Harrington stepped out of the room from 10:30 a.m. entered back at 10:38 a.m.
Mr. Harrington left the meeting at 10:38 a.m.

Review and Signing of Hearing Officer Orders

Mr. Staton signed orders for:

Amy Dettore
Carolyn Saints
Vincent Ekuban
John Horton
Stanley Lesniak
Deborah Monaco
Frank Vassallo
Thomas Cooper
Benjamin Jacobson
Jose Gonzalez
Esther Paul

Mr. L. Rogers made a motion, seconded by Mr. Healy, to add Mr. Tony Fisher to the agenda under 4.2. By unanimous vote, the motion carried.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Mr. Staton asked Ms. Kelly if there could be some sort of education that can be done for the Commission since a lot of new Commissioners are being appointed. Mr. Staton thought it would be a good idea to go over the statute and the rules & regulations in some fashion. The Commission lost two members at the same time that were instrumental in writing the statute and the rules & regulations and basically were the go to when questions were asked. Mr. Staton said he thought maybe sometime in January this could be done for the Commissioners. Ms. Kelly agreed that this would benefit all since there are so many new members being appointed. Ms. Kelly and Ms. Wagner will work on training for January's meeting.

PUBLIC COMMENT

There were no public comments.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, December 11, 2014 at 9:00 a.m.

ADJOURNMENT

Mr. McCann made a motion, seconded by Mr. Healy, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:54 a.m.

Respectfully submitted,



Sandra Wagner
Administrative Specialist III

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.