



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, December 11, 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	January 15, 2015

MEMBERS PRESENT

Andrew Staton, Professional Member, Chairman
Jason Giles, Professional Member
Michael Harrington, Sr., Professional Member
Lynn Rogers, Public Member
Curtis Rogers, Public Member
Joseph F. McCann, Public Member
Lynne Newlin, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT

Justin Healy, Professional Member, Secretary

ALSO PRESENT

Donna Klimowicz, Real Estate Education Committee
Angela Emerson, SCAOR
Denise Tatman, DAR
Albert Leskovar
Rory Burkhart
Evette Morrow

CALL TO ORDER

Mr. Staton called the meeting to order at 9:00 a.m.

Welcome New Member to the Commission – Lynne Newlin

Mr. Staton welcomed Ms. Lynne Newlin to the Commission.

REVIEW OF MINUTES

Mr. McCann made a motion, seconded by Mr. L. Rogers, to approve the minutes of the meeting held on November 13, 2014. By unanimous vote, the motion carried.

NEW BUSINESS

Discussion and Review of Hearing Officer Recommendations

Rory Burkhart – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Giles describing the sanctions. Mr. Burkhart was present at the Commission meeting and testified before the Commission. After discussion, Mr. Giles made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Albert Leskovar – 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. Harrington, to accept the Hearing Officer's recommendation with a strike through on number 3 of the recommendation. By unanimous vote, the motion carried.

Candis Pressley – 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. McCann, to accept the Hearing Officer's recommendation with changes. By unanimous vote, the motion carried.

Education Committee Report

Ms. Klimowicz went through the Education Committee minutes with the Commission. Ms. Klimowicz stated that the Education Committee developed the letter that will be going out to all course providers and hoped that the Commission had a chance to look at the letter for approval.

The Education Committee had a continued discussion on knowledge based learning and one of the Committee members will be drafting a letter to go out. The Commission should have the letter to review in January.

The Education Committee had a reconsideration discussion for a course provider for a 6 hour course for modules 2 and 7 and the approval had previously had been approved for 2 or 7. Now the approval will be for 2 and 7; however the condition of approval is that the students have to attend all 6 hours and not 3 hours and get approval for just 3 hours. They have to take the whole course for 6 hours or nothing. They had 24 course provider applications that were approved and 1 course denied due to the course not being relevant to Delaware, 6 instructor applications were approved, 1 instructor application was tabled because the application was not complete, and 1 instructor application was denied as the application needs to be resubmitted. The Education Committee will be meeting on January 8th due to the holiday on January 1st. There will be a new chairperson for the Education Committee. The Commission complimented Ms. Klimowicz on being the Chairperson for this past year and thanked her for all of her assistance.

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. McCann made a motion, seconded by Mr. Giles, to ratify the following applications for salespersons:

Melissa Weyl, Weichert Realtors, Wilmington, DE
Alexander Bartel, BHHS Fox & Roach, Wilmington, DE
Theresa O'Donnell, RE/MAX Preferred, Newtown Square, PA

William Uffelman, Long & Foster Real Estate, Bethany Beach, DE
Michael Ross, Beringson Realty, Ocean City, MD
Adrienne Klase, BHHS Gallo, Lewes, DE
Harold Livingston, Long & Foster Real Estate, Inc., Bethany Beach, DE
Welford Jones, Long & Foster Real Estate, Inc., Lewes, DE
James DeMeo, National Referral Real Estate, Sparks, NV
Robert Stigler, Keller Williams Realty, Wilmington, DE
Megan Staats, Long & Foster Real Estate, Inc., Greenville, DE
Karen Schaefer, Ocean Atlantic Sotheby's Intl, Rehoboth Beach, DE
Donna Ferdig, McWilliams Ballard, Long Neck, DE
Clara Saxton, BHHS Fox & Roach, Devon, PA
Karl Beers, Resort Quest Real Estate, Bethany Beach, DE
Georgia Ford, Century 21 Gold Key Realty, Newark, DE
Paula deBruin, Long & Foster Real Estate, Greenville, DE
Bryan Powers, Active Adults Realty, Lewes, DE
Tyler Nicholls, Keller Williams Central, Dover, DE
Isha Shandilya, BHHS Fox & Roach, Newark, DE
Valerie Vassar, Investment Properties Services, Newport, DE

By unanimous vote, the motion carried.

Review of Broker and Associate Broker Applications

The Commission reviewed the associate broker's application of Tracy Peoples. Mr. Giles made a motion, seconded by Mr. McCann, to approve Ms. Peoples' application. By unanimous vote, the motion carried.

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

The Commission reviewed the associate broker's application of Curtis Perago Jr. Mr. Giles made a motion, seconded by Mr. McCann, to approve Mr. Perago's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Beverly Fawcett. Mr. Giles made a motion, seconded by Mr. McCann, to approve Ms. Fawcett's application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

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

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

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

Review of Applications for New Office

The Commission reviewed the application of Agent Ace, Inc. for a new office. Mr. McCann made a motion, seconded by Mr. Harrington to approve the new office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Realty Retriever, for a relocation of office. Mr. McCann made a motion, seconded by Mr. Harrington, to approve the relocation of office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Virtus Realty Advisors of DE for a new office. Mr. McCann made a motion, seconded by Mr. Harrington to approve the new office application. By unanimous vote, the motion carried.

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

Status of Complaints

Complaint # 02-49-13 – Closed by Investigator

Complaint # 02-42-13 – Closed by Investigator

Complaint # 02-50-13 – Forwarded to the Attorney General's Office

Complaint # 02-54-13 – Closed by Investigator

Complaint # 02-55-13 – Forwarded to the Attorney General's Office

Complaint # 02-49-14 – Forwarded to the Attorney General's Office

Correspondence

There was no correspondence.

Election Vice-Chairperson and Secretary

Mr. McCann made a motion, seconded by Mr. L. Rogers, to nominate Mr. Justin Healy to be the Vice Chairperson and Mr. Jason Giles to be the Secretary for the Commission. By unanimous vote, the motion carried.

Discussion: Broker of Record leaving Office

Ms. Wagner asked the Commission if the Commission office could send out a letter when the administrative team comes across a broker of record leaving an office that does not have a replacement broker of record in place. Ms. Wagner explained that this does not happen too much but it does sometimes and technically the office cannot operate without a broker of record. The Commission asked Ms. Wagner if a letter gets sent out would there be away for the letter to be sent to all persons in that office since the letter would be like a cease and desist letter. Ms. Wagner stated that at this time the system for which holds all the office information and licensees does not have the capability to give the administrative personnel a list of all persons working in a particular office. After discussion, the Commission agreed that some sort of notification needs to be sent and if it has to go to the office then at least notification was sent.

Mr. Harrington made a motion, seconded by Mr. Giles, to direct the Division's office staff to send the real estate office a cease and desist letter from the Commission. By unanimous vote, the motion carried.

Discussion: Candace Cottrell non-compliance of final order

Mr. L. Rogers made a motion, seconded by Mr. McCann, to amend the agenda to add the discussion of Candace Cottrell for being non-compliant with her final order.

After discussion by the Commission, Mr. L. Rogers made a motion, seconded by Mr. McCann, to send a non-compliant letter to Ms. Cottrell for a rule to show cause hearing. By majority vote, the motion carried with Mr. Harrington recusing himself.

OLD BUSINESS

Final Denial of Neena Zafar's Salesperson Application

Mr. McCann made a motion, seconded by Mr. L. Rogers, to final deny the salespersons application for Neena Zafar as Ms. Zafar did not request a hearing before the Commission. By majority vote, the motion carried with Ms. Newlin abstaining.

Re-review Broker Application for Andrea Schoenwalder

Mr. Giles made a motion, seconded by Mr. McCann, to propose to deny Ms. Schoenwalder's brokers application for not meeting the requirements for licensure and the Commission would like to see information on the day to day management of the office Ms. Schoenwalder would be broker of record for. By majority vote, the motion carried with Ms. Newlin abstaining.

Re-review Broker Application for Arlene Richardson

Mr. McCann made a motion, seconded by Mr. C. Rogers, to table the broker's application for Ms. Richardson as the letter Ms. Richardson submitted it not enough proof as to her day to day management of the office she will be broker of record for. By majority vote, the motion carried with Ms. Newlin abstaining.

Review and Signing of Hearing Officer Orders

Mr. Staton signed orders for:

Carl Hill
Charles Holts
Nicholas Johnson
John Mastriana
Philip Twitchell
Mary Wanich

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Mr. Harrington stated that he feels the Office applications should be given out to the brokers on the Commission for review. Mr. Harrington feels that the office staff should not be responsible for ensuring the escrow accounts and all other documentation is correct.

Mr. Harrington spoke about not being here for the next meeting and asked if Mr. Whitfield was still on the subcommittee even though he is no longer on the Commission. Mr. Staton stated that yes Mr. Whitfield is still considered on the subcommittee.

PUBLIC COMMENT

There were no public comments.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, January 15, 2015 at 9:00 a.m.

ADJOURNMENT

Mr. McCann made a motion, seconded by Mr. Giles, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:02 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Sandra Wagner". The signature is written in a cursive, flowing style.

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.