Posted : 1/12/2017
NMW

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, December 8, 2016** at **9:00 a.m.** |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware<br>**Conference Room B**, Second Floor of the Cannon Building |
| MINUTES FOR APPROVAL | January 12, 2017 |

**MEMBERS PRESENT**
Jason Giles, Professional Member, Chairperson
Lynnette Scott, Professional Member, Vice Chairperson
Michael Harrington, Sr., Professional Member
Andrew Staton, Professional Member
Justin Healy, Professional Member
Lynn Rogers, Public Member, Secretary
Joseph F. McCann, Public Member

**DIVISION STAFF/ DEPUTY ATTORNEY GENERAL**
Eileen Kelly, Deputy Attorney General
Nicole Williams, Administrative Specialist III
Rain Marrow, Administrative Specialist II

**MEMBERS ABSENT**
None

**ALSO PRESENT**
Tom Burns, Real Estate Education Committee
Barry Grim
G. R. Myers
Carla Jarosz, Deputy Attorney General

**CALL TO ORDER**

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

**REVIEW OF MINUTES**

Mr. Stanton made a motion, seconded by Mr. Harrington, to approve the minutes of the meeting held on October 13, 2016 as written. By unanimous vote, the motion carried.

**UNFINISHED BUSINESS**

Rules and Regulations Hearing at 9:00 a.m.

Ms. Kelly called the hearing to order at 9:01 a.m. The Commission members introduced themselves for the record. Ms. Kelly advised of the purpose of hearing is for the Commission to consider adoption of the proposed amendments to the rules and regulations. The Commission has proposed revisions to provide that licensees are required to update their addresses with the Division of Professional Regulation and a failure to do so will not excuse that licensee from discipline for continuing education or violations. Section 15.0 has been amended to omit certain crimes not related to the practice of the real estate and thereby will eliminate unjustified barriers to licensure. Certain other amendments have been proposed in the interest of clarity. If approved these amendments will become part of the Commission's rules and regulations. Pursuant to the Administrative Procedures Act 29 Delaware Code Section 10115, notice of the proposed amendments to the rules and regulations were published October 1, 2016 in the Delaware Registrar of Regulations. Ms. Kelly marked Commission Exhibit 1 as the News Journal affidavit of publication of notice of today's hearing and Commission Exhibit 2 as the Delaware State News affidavit of publication of notice of today's hearing. There were no written comments submitted. There were no public comments. The written public comment period will be held open for an additional 15 days pursuant to 29 Delaware Code Section 10118(a) and the Commission will deliberate on any written public comments submitted for the January 12, 2017 meeting. The hearing concluded at 9:05 a.m.

Ms. Williams will add the topic of Deliberations for Public Comment to the Commission's agenda for January 2017.

Discussion of CE Credits Rule 13.7

Ms. Kelly advised the Commission of Rule 13.7 which has comparable language in the Education Committee's education regulations pertaining to members attending meetings for continuing education (CE) credit. The current regulation states that members of the Commission that attend at least 80 percent of the Commission's meetings during a biennial licensure period may receive one hour of CE credit for each commission meeting attended and said hour may be applied to any CE required for licensure renewal. Therefore for Commission members who attend all meetings would meet the CE requirement and would not have to take any additional CE. The Division's Director, Mr. Mangler had concerns about Commission members obtaining all CE from attendance for only meetings, therefore exempting them from having to complete Modules 1 to 7 that are required for all other licensees. Furthermore, the public is not afforded the same opportunity to claim CE credit for meeting attendance as the Commission members as well as to determine which module meeting attendance would fall under. The Commission discussed which module attendance for a meeting would apply and determined that meeting attendance for CE credit would apply to Module 7 as an elective. Mr. Mangler addressed the Commission to determine how someone attending a meeting, either public or a Board member, would obtain the required number of three hours in Module 7. Mr. Giles advised that attending any meeting or even a hearing would provide credit to Module 7 as attendance of the meeting itself is what the credit is given for, not the length of time of the meeting. The Commission also determined that there would be no certificate of attendance for meetings; sign-in at the meeting would be considered proof of attendance which could be verified in the minutes. Mr. Giles advised that Module 7 is a gray area and attendance for a meeting or a hearing is a benefit to education for CE credit as well for licensees. Mr. Stanton advised the Commission to look into the modules and determine which modules would qualify for CE credit for the meeting attendance which most likely Module 3 or 4 would suffice. Ms. Williams will add this topic back to the agenda for discussion at the Jan 2017 meeting.

Mr. Mangler further addressed the Commission that although the Education Committee has been established for years, the statute has no regulatory language that grants them any other authority to create a committee except to create a committee except to write the test items for the licensing exam. Other Boards have a general authority to create Committees to assist them; however the Commission only has the statutory authority to create a Committee just to write test items. Currently the Commission has created this Committee to assist in writing rules and regulations for education but has no statutory authority. Ms. Kelly stated that the fix for this issue would be to simply add language under duties and powers in the Commission's statute that would grant them authority to create Committees to assist the Commission with Board work. This matter will be placed on the Commission's legislative agenda.

**NEW BUSINESS**

Education Committee Report – November 3, 2016 and December 1, 2016

Mr. Burns reported on the Education Committee meetings from November and December. In November the Committee approved 13 courses and 21 instructors without any issues or concerns and assisted with the Annual Seminar which proved to be a success given the positive feedback from those that attended. The case study that was scripted into a skit and the jeopardy game was very successful and interactive. In December the Committee approved 4 courses and 4 instructors with no issues or concerns. Ms. Price was sent a letter of thanks for her service to the Education Committee. The Committee recommends Christine Steele as the new member for the Commission's approval. The Committee also discussed a tentative succession plan to determine who will be the next Chair, Vice-Chair, and Secretary.

Mr. Harrington made a motion, seconded by Mr. Stanton, to approve the Education Committee reports for November and December. By unanimous vote, the motion carried.

Mr. Harrington made a motion, seconded by Ms. Scott, to approve Christine Steele as the new Education Committee member. By unanimous vote, the motion carried.

Ms. Williams will send a welcome letter on behalf of the Commission for Christine Steele.

Review and Consideration of Hearing Officer's Recommendation for Barry Grim – Case #02-29-14

Ms. Jarosz introduced herself for the record. Mr. Grim introduced himself for the record. Ms. Kelly stated that the Commission is advised to review the hearing officer recommendation for acceptance. The Commission reviewed the recommendation for alleged violations committed. Ms. Jarosz advised that she had no exceptions to the recommendation and requested that the Commission accept the recommendation and the recommended disciplines for violations committed. Ms. Kelly explained that the purpose of today's meeting is not a hearing, but only a review of the recommendation submitted for the Commission to review from. Ms. Jarosz stated that the State objects to any documentation of evidence to be submitted by Mr. Grim to the Commission. Mr. Grim advised that he would like to submit documentation for the Commission regarding the case. Ms. Scott mad a motion, seconded by Mr. Giles, to object submission of Mr. Grim's documents. By unanimous vote, the motion carried. Mr. Grimm provided his verbal exceptions to the hearing officer recommendation. Ms. Jarosz provided verbal exceptions for the State to the hearing officer recommendation.

The Commission deliberated to discuss the violations of the recommendation and the sanctions recommended. Mr. Stanton made a motion to accept the sanctions stated in the hearing officer's recommendations excluding the CIS. The Commission further discussed and the motion on the table did not carry as there was no second. Mr. Harrington made a motion to accept the recommendation as submitted, seconded by Mr. Giles. The Commission discussed the recommendations sanctions. The motion on the table did not carry. Mr. McCann advised to amend the recommendation to add suspension for a year after reinstatement of license. Mr. Harrington made a motion to accept the recommendation with the amendment of adding suspension after one year of reinstatement of license, seconded by Mr. McCann. By unanimous vote, the motion carried.

Applications for Licensure
Ratification of Salesperson Applications

Mr. Stanton made a motion, seconded by Ms. Scott, to ratify the approved applications for salespersons per attached list at the end of the minutes. By unanimous vote, the motion carried.

Ratification of Broker and Associate Broker Applications

Mr. Harrington made a motion, seconded by Ms. Scott, to ratify the approved applications for broker and associate broker per attached list at the end of the minutes. By majority vote, the motion carried. Mr. Stanton abstained.

Ratification of Applications for Reinstatement

Mr. Harrington made a motion, seconded by Mr. Rogers, to ratify the following reinstatement applications below. By unanimous vote, the motion carried.

| | | | |
|---|---|---|---|
| Brian Miller | Jonathan Manis | Robert Bullock | Albert McNamara |
| Sean Regan | Clifton Brittingham | Chris Lee | Tammy Carter |

Review of Application(s) for New Office

The Commission reviewed the following office application(s):

Gallo Realty Referral Company – Rehoboth Beach, DE – BOR: Andrew Ratner

Mr. Harrington made a motion, seconded by Mr. Rogers, to approve the above new office application. By unanimous vote, the motion carried.

Ratification of Application(s) for New Office

The Commission reviewed the following office application(s):

EXIT Central Realty – Milford, DE – BOR: Joanne Milton
NextRE, Inc. – Ocean View, DE – BOR: John Fifer
Madison Real Estate, Inc. – Bear, DE – BOR: Traci Madison

Mr. Harrington made a motion, seconded by Ms. Scott, to ratify the above approved new office applications. By unanimous vote, the motion carried.

Review of Applications for Reinstatement – Both Exams Needed

The Commission reviewed the reinstatement application for Janan Bergen. Mr. Harrington made a motion, seconded by Mr. Rogers, to approve the reinstatement application for Janan Bergen upon successful passing of both the Salesperson General and State Law exams. By unanimous vote, the motion carried.

Review of Reinstatement Application(s) to Sit for the General and/or State Exam(s)

The Commission reviewed the reinstatement application for Jeffrey Bennett. Ms. Scott made a motion, seconded by Mr. Healy, to approve the reinstatement application for Jeffrey Bennett upon successful passing the State Law exam. By unanimous vote, the motion carried.

The Commission reviewed the reinstatement application for Joel Feldman. Mr. Giles made a motion, seconded by Mr. Rogers, to approve the reinstatement application for Joel Feldman upon successful passing of the Salesperson General exam. By unanimous vote, the motion carried.

Status of Complaints

Complaint #02-21-16 – Sent to Attorney General's Office

Complaint #02-28-16 – Dismissed by Investigator

Complaint #02-30-16 – Sent to Attorney General's Office

Complaint #02-31-16 – Dismissed by Investigator

Complaint #02-34-16 – Sent to Attorney General's Office

Complaint #02-35-16 – Dismissed by Investigator

**Correspondence**

Review of the 2017 Meeting Calendar

The Commission thanked Mr. Stanton for his years of service on the Commission.

**OTHER BUSINESS BEFORE THE COMMISSION** (for discussion only)

Status of 2016 Audit

Ms. Williams stated that there were a total of 461 licensees audited, with 90 of the total auditees that responded that are non-compliant due to completion of CE during the late renewal period and 41 of the total audits have not responded and will be sent a final audit letter for non-response.

**PUBLIC COMMENT**

There was no public comment.

## NEXT SCHEDULED MEETING

The next meeting will be held on January 12, 2017 at 9:00 a.m. in Conference Room A, 861 Silver Lake Boulevard, Suite 203, Dover, DE.

## ADJOURNMENT

Ms. Harrington made a motion, seconded by Mr. McCann to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 10:53 a.m.

Respectfully submitted,

Nicole M. Williams

Nicole M. Williams
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.*

Salesperson Ratification List

| License Number | Name | Type | Office | Location |
|---|---|---|---|---|
| RS-0024151 | Johnson, Malinda | Salesperson | Keller Williams Realty | Christiana DE 19702 |
| RS-0024152 | Baugh, James David | Salesperson | Home Team Realty | Seaford DE 19973 |
| RS-0024153 | Carlin, Randi N | Salesperson | ResortQuest Delaware | Bethany Beach DE 19930 |
| RS-0024154 | Dunnican, Nathaniel T | Salesperson | Patterson Price Real Estate, LLC | Middletown DE 19709 |
| RS-0024155 | Lewis, Nina C | Salesperson | Keller Williams Realty Newark | Newark DE 19702 |

| | | | | |
|---|---|---|---|---|
| RS-0024156 | McGilley, Holly A. | Salesperson | Keller Williams Realty | Lewes DE 19958 |
| RS-0024157 | Latimer, Nancy A | Salesperson | Berkshire Hathaway HomeServices Fox & Roach | Devon PA 19333 |
| RS-0024158 | Cline, Carolyn D | Salesperson | Zommick McMahon Commercial Real Estate, Inc. | West Chester PA 19382 |
| RS-0024159 | Wethman, Katie | Salesperson | Keller Williams Realty | Lewes DE 19958 |
| RS-0024160 | Fish, Matthew C | Salesperson | Keller Williams | Wilmington DE 19803 |
| RS-0024161 | Frankum, Rebecca | Salesperson | Home Team Realty | Seaford DE 19973 |
| RS-0024162 | Ke, Wendi | Salesperson | Patterson Schwartz Real Estate | Wilmington DE 19810 |
| RS-0024163 | Clay, Mark | Salesperson | Patterson Schwartz | Hockessin DE 19707 |
| RS-0024164 | Demarest, Jennifer M | Salesperson | Weichert Realtors First Class | Dover DE 19901 |
| RS-0024165 | Quillen, Tara W | Salesperson | Home Team Ralty | Seaford DE 19973 |
| RS-0024166 | Wiles, Helen D | Salesperson | NextRE Inc. | Dover DE 19904-1 |
| RS-0024167 | Washington, Alison C. Etinoff | Salesperson | Patterson-Schwartz Real Estate | Wilmington DE 19807 |
| RS-0024168 | Hunt, Kenneth E | Salesperson | Re/Max Associates | Newark DE 19711 |
| RS-0024169 | Palkewick, David Richard | Salesperson | Delaware Homes, Inc. | Townsend DE 19734 |
| RS-0024170 | Watson, Tracy L | Salesperson | Berkshire Hathaway HomeServices Fox & Roach | Bear DE 19701 |
| RS-0024171 | Windrow, Colleen M. | Salesperson | Resort Quest | Bethany Beach DE 19930 |
| RS-0024172 | Bobko, Theresa Marie | Salesperson | Weichert Realtors First Class | Dover DE 19901 |
| RS-0024173 | Heil, Gary J | Salesperson | Weichert Realtors | Wilmington DE 19808 |
| RS-0024174 | Foster, Tyler Lance | Salesperson | Keller Williams Realty | Christiana DE 19702 |
| RS-0024175 | Turner, Myra V | Salesperson | Berkshire Hathaway HomeServices Fox & Roach | Newark DE 19711 |
| RS-0024176 | Joyner, Joseph Earl | Salesperson | Keller Williams Realty | Lewes DE 19958 |
| RS-0024177 | Graves-Brooks, Vonnetta R. | Salesperson | Keller Williams Realty | Christiana DE 19702 |
| RS-0024178 | Mitchell, Jennifer M. | Salesperson | Keller Williams Realty | Christiana DE 19702 |
| RS-0024179 | Aldridge, Michael D. | Salesperson | Keller Williams Realty | Christiana DE 19702 |
| RS-0024180 | Simpler, Clover Marilyn | Salesperson | Re/Max by the Sea | Bethany Beach DE 19930 |
| RS-0024181 | Watson, Jennifer | Salesperson | Keller Williams Realty Central Delaware | Dover DE 19901 |
| RS-0024182 | Crump, Dana M. | Salesperson | Keller Williams Realty Central Delaware | Dover DE 19901 |
| RS-0024183 | Stein, Daniel J. | Salesperson | Re/Max Associates | Newark DE 19711 |
| RS-0024184 | Reed, Diana T. | Salesperson | Keller Williams Realty Central Delaware | Dover DE 19901 |
| RS-0024185 | DiPasquale, Robert J | Salesperson | Ritternhouse Realty Advisors | Newport DE 19804 |

| License | Name | Type | Office | Location |
|---|---|---|---|---|
| RA-0020493 | O'Leary, Thomas H | Associate Broker | Xome Inc | Lewisville TX 75067 |
| RB-0020492 | D'Ambrosia, John Nicholas | Broker | Long & Foster Real Estate, Inc | Middletown DE 19709 |
| RB-0020494 | Peiffer, William L | Broker | Joe Maggio Realty | Bethany Beach DE 19930 |
| RB-0020496 | Bartsch, Joseph D | Broker | Berkshire Hathaway HomeServices Fox & Roach | Smyrna DE 19977 |
| RB-0020497 | Fisher, Bernard | Broker | Fisher Properties LLC | Brooklyn NY 11235* |