

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES - LICENSING DIVISION
BOARD OF REAL ESTATE BROKERS AND SALESPERSONS**

BOARD MEETING MINUTES

March 3, 2008, 9:30 a.m.

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Real Estate Brokers and Salespersons met in Regular Session on March 3, 2008 at the Department of Labor & Economic Growth, Bureau of Commercial Services, First Floor, Conference Room 3, 2501 Woodlake Circle, Okemos, Michigan 48864.

CALL TO ORDER

The business meeting was called to order by Chairperson Brian Huggler at 9:37 a.m.

Present:	Brian T. Huggler	Chairperson
	Michael M. Glasson	Vice-Chairperson
	Daniel C. Samson	Member
	James W. Sellman	Member
	Sheri Sutherby-Fricke	Member
Absent:	Kyrian Nwagwu	Member
Staff:	Jean M. Boven	Director of Licensing
	Ann Millben	Licensing Administrator
	Lori J. Porubsky	Assistant Licensing Administrator
	Connie McCall	Secretary
Visitors:	Jesse Freeman	Petitioner
	Andrea Bates	MAR
	Michael Bell	Petitioner
	Barb Pulice	
	Bill Rasmussen	
	Lola Audu	Petitioner, Audu Real Estate
	Cheryl Warren	Petitioner, Joseph Manuel Real Estate
	Steve Gobbo	DLEG, BCS
	Suzanne Sherman	DLEG, Testing
	Foye Longworth	DLEG, Testing
	Peggy Waugh	DLEG, Testing
	Amy Shell	DLEG, Policy Analyst

ADDITIONS TO OR DELETIONS FROM AGENDA

Mr. Huggler noted that Petitioner Michael Alan Bell, 5C, and Petitioner Lola Audu, 5D, were being added to the agenda.

APPROVAL OF THE MINUTES FROM THE MEETING HELD DECEMBER 3, 2007

MOTION: Ms. Sutherby-Fricke moved to approve the minutes from the December 3, 2007, meeting. Mr. Sellman seconded and the motion passed unanimously.

PUBLIC COMMENT

None.

PETITIONS

Jesse Glenn Freeman, Salesperson Applicant, Southfield

The Board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Freeman was present to discuss his Petition and answer questions.

Mr. Huggler stated that Mr. Freeman would need a broker who is available to him and willing to take 100% responsibility and/or supervision. Part of the application process was having a Broker sponsorship and be available to the applicant. There was a concern that Mr. Freeman was unable to contact his Broker to invite him to today's meeting, much less to sponsor him in the licensing process.

MOTION: After discussion, Mr. Glasson moved to postpone the Petition until the next meeting to give the Petitioner an opportunity to contact his Broker and invite him to accompany him at the next Board meeting. Mr. Sellman seconded and the motion passed unanimously.

Michael Allen Bell, Salesperson Applicant, Harper Woods

The board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Bell was present to discuss his petition and answer questions. Mr. Bell was present for the December Board meeting where he petitioned the Board for a salesperson license. The Board upheld the denial decision in December as Mr. Bell had not presented sufficient evidence of rehabilitation, the activity was reasonably related to the practice of real estate, and the consequences and nature of the offense distinctly bears upon the ability to deal with the public in a fair, honest and open manner.

Mr. Bell discussed the circumstances that had changed and answered questions of the Board members.

MOTION: After discussion, Mr. Sampson moved to overturn the Department's denial due to the evidence of rehabilitation presented and grant the Petitioner a three-year limited license. The limitation is that Mr. Bell continues to be licensed to employing Broker, Douglas Realty Group LTD, for the three year period. Ms. Sutherby-Fricke seconded and the motion passed unanimously. The Department concurred.

Lola Audu, Continuing Education Course, Audu Real Estate

The Board reviewed the information presented. Ms. Audu is requesting approval for Continuing Education courses entitled, "Blogging Basics for Real Estate Professionals" and "Blogging Ethics for Real Estate Professionals." Ms. Audu was present to discuss her Petition and answer questions. Suzanne Sherman and Peggy Waugh, DLEG Testing and Education Services were also present for the discussion.

Ms. Audu read a statement requesting support for approval of her courses. Her courses are designed as classroom setting (versus on line). Mr. Glasson acknowledged that blogging is relevant to real estate as a marketing tool. The Board agreed that the course topic is relevant to real estate; however, other statutory requirements must be approved by Testing and Education Services.

MOTION: Ms. Sutherby-Fricke moved to uphold the Department's denial; however, the Board is on record that, the topic, if presented in the future with expanded information, would be relevant and should be considered. The Board encouraged Ms. Audu to follow up with Testing and Education Services by providing more information to refine the content, and return to the June Board meeting if that clarification is insufficient. Mr. Sampson seconded the motion and the motion passed unanimously. The Department concurred.

Cheryl Marie Curran Warren, Salesperson Applicant, Northville

The board reviewed the Notice of Denial of an Application for a salesperson's license. Ms. Warren was present to discuss her petition and answer questions. An earlier Petition was presented at the December Board meeting. Ms. Warren has an Attorney Review Board hearing on May 20, 2008. Her attorney license has been suspended for 18 months. The December Petition was postponed to give Ms. Warren an opportunity to bring further documentation to substantiate evidence of good moral character.

Ms. Warren has forwarded letters of recommendation, proof of continuing education and on-going studies, and documentation of community volunteer activities for the Board's review. Ms. Warren is currently employed as a substitute teacher with Warren Public Schools in Warren, Michigan.

MOTION: After discussion, Ms. Sutherby-Fricke moved to overturn the denial based on proof of rehabilitation provided and grant the Petitioner a three-year limited license. The limitation is that (1) Ms. Warren continue to be licensed to employing Broker, Realty Select LLC, for the three year period and (2) a letter from Realty Select LLC stating that Broker will take all responsibility is required before the limited license can be issued. Mr. Samson seconded and the motion passed unanimously. The Department concurred.

STIPULATIONS

Michael Louis Millard, Salesperson, License No. 6501-193918, Complaint No. 301861, Docket No. 2007-866

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$5,000 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) Respondent's license shall be immediately suspended on the date of the mailing of the Final Order and the suspension shall continue for a period of one year and (3) failure to comply with the terms of this Stipulation shall result in the suspension of all licenses of Respondent and in the denial of any license renewal and/or future applications for licensure until compliance. Mr. Sampson seconded and the motion passed. Mr. Sellman abstained.

David Joel Blatt, Associate Broker, License No. 6502-136051, Complaint No. 6506-000400, Former No. 303704

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$3,000 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) that one fine payment shall satisfy complaints 303704, 303838, and 303839 and (3) failure to comply with the terms of this Stipulation shall result in the suspension of all licenses of Respondent and in the denial of any license renewal and/or future applications for licensure until compliance. Mr. Sellman seconded and the motion passed unanimously.

David Joel Blatt, Associate Broker, License No. 6502-327775, Complaint No. 6506-000437, Former No. 303839

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$3,000 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) that one fine payment shall satisfy complaints 303704, 303838, and 303839 and (3) failure to comply with the terms of this Stipulation shall result in the suspension of all licenses of Respondent and in the denial of any license renewal and/or future applications for licensure until compliance. Mr. Sellman seconded and the motion passed unanimously.

First Alliance Realty Co., d/b/a Commercial Property Services, Inc., Broker, License No. 6505-327774, Complaint No. 6506-000436, Former No. 303838

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$3,000 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) that one fine payment shall satisfy complaints 303704, 303838, and 303839 and (3) failure to comply with the terms of this Stipulation shall result in the suspension of all licenses of Respondent and in the denial of any license renewal and/or future applications for licensure until compliance. Mr. Sellman seconded and the motion passed unanimously.

Richard G. Malcolm, Salesperson, License No. 6501-256750, Complaint No. 6506-000018, Former No. 301940

MOTION: After discussion, Mr. Glasson moved to accept the Stipulation that (1) Respondent shall pay a \$100 fine to the Department within 60 days of the date of the mailing of the Final Order and (2) failure to comply with the terms of this Stipulation shall result in the suspension of all licenses of Respondent and in the denial of any license renewal and/or future applications for licensure until compliance. Mr. Sellman seconded and the motion passed. Ms. Sutherby-Fricke abstained.

HEARING REPORTS

Ally Saad, Salesperson, License No. 6501-189474, Complaint No. 6505-000357, Former No. 299990, Docket No. 2007-943

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Ally Saad. Mr. Glasson seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$5,000 civil fine payable within 60 days of the date of mailing of the Final Order, (2) Respondent shall pay a \$113,974.63 judgment and settlement agreement payable within 60 days of the date of mailing of the Final Order (3) Respondent's license shall be revoked immediately on the date of the mailing of the Final Order and (4) Respondent must abide by Rule 215, which states, "A person whose license has been revoked shall not apply for a new license for at least 3 years after the service of the Final Order. To be considered for a license following a revocation, an applicant shall meet all educational and examination requirements in effect at the time of application. Credit for education, examinations, or experience obtained before the revocation shall not be granted." Mr. Sellman seconded and the motion passed. Mr. Huggler abstained.

Lee Paris Scott, Salesperson, License No. 6501-312503, Complaint No. 304551, Docket No. 2007-1175

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Lee Paris Scott. Mr. Glasson seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent's license shall be revoked immediately on the date of the mailing of the Final Order and (2) Respondent must abide by Rule 215, which states, "A person whose license has been revoked shall not apply for a new license for at least 3 years after the service of the Final Order. To be considered for a license following a revocation, an applicant shall meet all educational and examination requirements in effect at the time of application. Credit for education, examinations, or experience obtained before the revocation shall not be granted." Mr. Samson seconded and the motion passed. Mr. Glasson abstained.

Ronald Gary Chappel, d/b/a Northwood Land Company, Individual Broker, License No. 6504-171810, Complaint No. 6505-000588, Docket No. 2007-1347

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Ronald Gary Chappel. Mr. Glasson seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent's license shall be revoked immediately on the date of the mailing of the Final Order, (2) Respondent shall pay a fine of \$3,000 within 60 days of the date of mailing of the Final Order, (3) Respondent shall pay restitution of \$1,055 to Theron Robbins within 60 days of the Final Order and (4) Respondent must abide by Rule 215, which states, "A person whose license has been revoked shall not apply for a new license for at least 3 years after the service of the Final Order. To be considered for a license following a revocation, an applicant shall meet all educational and examination requirements in effect at the time of application. Credit for education, examinations, or experience obtained before the revocation shall not be granted." Mr. Sellman seconded and the motion passed unanimously.

Paula J. Oeder, Associate Broker, License No. 6502-334085, Complaint No. 6506-000652, Former No. 304790, Docket No. 2007-1404

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Paula J. Oeder. Mr. Glasson seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent's license shall be revoked immediately on the date of the mailing of the Final Order, (2) Respondent shall pay a \$3,000 fine within 60 days of the date of the mailing of the Final Order and (3) Respondent must abide by Rule 215, which states, "A person whose license has been revoked shall not apply for a new license for at least 3 years after the service of the Final Order. To be considered for a license following a revocation, an applicant shall meet all educational and examination requirements in effect at the time of application. Credit for education, examinations, or experience obtained before the revocation shall not be granted." Mr. Glasson seconded and the motion passed unanimously.

Michael McGlaun Salesperson, License No. 6501-124672, Complaint No. 6507-000188, Former No. 306520, Docket No. 2007-1324

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Michael McGlaun. Mr. Glasson seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a fine of \$10,000 within 60 days of the date of mailing of the Final Order, (2) Respondent shall pay restitution of \$4,000 to Ismail Kure within 60 days of the date of mailing of the Final Order and (3) since Respondent's license is currently revoked, Respondent must abide by Rule 215, which states, "A person whose license has been revoked shall not apply for a new license for at least 3 years after the service of the Final Order. To be considered for a license following a revocation, an applicant shall meet all educational and examination requirements in effect at the time of application. Credit for education, examinations, or experience obtained before the revocation shall not be granted." Mr. Glasson seconded and the motion passed unanimously.

STAFF REPORTS

Legislative Report

Amy Shell distributed a legislative report and drew the Board's attention to HB4416 and HB4417 (page 3 of handout). These are the minimum Broker services bills that moved in the House last week with a lot of interest by the Senate. Board reviewed the reports with minimal questions.

Report on PSI Licensure Certification.

Foye Longworth, Testing and Education Services, distributed three handouts regarding the PSI exams for Board review and information:

- Candidate Information Bulletin
- Monthly Site Totals
- Monthly Portion Pass Rate

Administrative Report

Ann Millben, Licensing Administrator, presented current licensee totals by license type for the Board.

