

**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 5, 2007, 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 5, 2007 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 Huggler at 9:34 a.m.

Present:	Brian T. Huggler	Chairperson
	Michael M. Glasson	Vice-Chairperson
	Daniel C. Samson	Member
	Kyrian Nwagwu	Member
	James W. Sellman	Member
	Sheri M. Sutherby-Fricke	Member
Absent:	Julie A. Tesanovich	Member
Staff:	Jean M. Boven	Director of Licensing
	Archie Millben	Director of Enforcement
	Ann Millben	Licensing Administrator
	Diane Otis	Assistant Licensing Administrator
	Rita Burnett	Secretary
	Stephen Gobbo	Compliance/Legal Unit, Manager
	William Wilhelm	Compliance/Legal Unit
	Thomas M. Byrne	Testing & Education, Manager
	Foye Longworth	Testing & Education staff
	Peggy Waugh	Testing & Education staff
Visitors:	Jeffrey J Worden	Petitioner
	Michael J Belcostro	Broker for Petitioner Worden
	Ronnie Hudson, Sr.	Petitioner
	Darren Johnson	Broker for Petitioner Hudson
	John Wesley Yopp	Petitioner
	David J. Gorash	Attorney for Petitioner Yopp
	John W. Sims	Broker for Petitioner Yopp
	Neil Patrick Murphy	Petitioner
	William M. Schlecte	Attorney for Petitioner Murphy

Mark Leo Kastner	Petitioner
Roy Pigget	Broker for Petitioner Kastner
Timothy Roger Massel	Petitioner
Roger & Sonya Massel	Parents of Petitioner Massel
Eric Keith Link	Petitioner
Earl Scott Taylor III	Petitioner
Cynthia J. Brickel	Broker for Petitioner Taylor
Christopher Lee Ayers	Petitioner
Kevin Cristbrook	Broker for Petitioner Ayers
Del Moore	Broker for Petitioner Ayers
Christopher Paves	Grandfather of Petitioner Ayers
Tracy Paves	Grandmother of Petitioner Ayers
Gloria Ayers	Mother of Petitioner Ayers
Lee Roy Ayers	Father of Petitioner Ayers
William McPherson	Petitioner
Peter T. Allen	Broker for Petitioner McPherson
Charles Royer	Attorney for Petitioner McPherson
Craig Louis Lusk	Petitioner
Robert L. Garrison, Jr.	Petitioner
Tanzie M. Sloderbeck	Petitioner
Melvin S. Rose II	Petitioner
Aquel Marie Itter	Petitioner
Ben Ruesink	Friend of Petitioner Ruesink
Jeffrey L. McCall	Petitioner

ADDITIONS TO OR DELETIONS FROM AGENDA

Ms. Burnett noted the addition of Mr. McCall as 5Q.

APPROVAL OF MINUTES FROM MEETING HELD DECEMBER 4, 2006

MOTION: Mr. Glasson moved to approve the minutes from the December 4, 2006 meeting. Mr. Sellman seconded and the motion passed unanimously.

PUBLIC COMMENT

None.

PETITIONS

Jeffrey J. Worden, Salesperson Applicant, Smith's Creek

The board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Worden was present with his broker to discuss his petition and answer questions.

MOTION: After discussion, Mr. Glasson moved to overturn the Department's denial due to the evidence of rehabilitation presented and grant a limited license. The limitations are that (1) he must remain licensed to the broker: Karen Michael Realty, Inc., ID No. 6505-306324, with associate broker Michael J. Belcastro, ID No. 6502-132284, (2) if this broker severs this relationship by returning the wall license to the Department, the license will be suspended immediately, (3) this limitation will remain in effect for one year, from March 5, 2007 to March 4, 2008, during which time any violation of the law and rules and/or any formal complaint filed against him will result in immediate suspension and (4) by accepting this limitation, the broker is agreeing to inform the Department of any violations he may commit. Mr. Samson seconded and the motion passed unanimously. The Department concurred.

Ronald E. Kohn, Salesperson Applicant, Flat Rock

The board reviewed the Notice of Denial of an Application for salesperson's license. Mr. Kohn was not present to discuss his petition and answer questions.

MOTION: After discussion, Mr. Glasson moved to uphold the Department's denial in that (1) the activity was reasonably related to the practice of real estate, (2) sufficient evidence of rehabilitation was not presented, and (3) 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. Nwagwu seconded and the motion passed unanimously. The Department concurred.

Ronnie Hudson, Sr., Salesperson Applicant, Detroit

The board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Hudson was present with his broker to discuss his petition and answer questions.

MOTION: After discussion, Ms. Sutherby-Fricke moved to uphold the Department's denial in that (1) the activity was reasonably related to the practice of real estate, (2) sufficient evidence of rehabilitation was not presented, and (3) 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. Sellman seconded and the motion passed unanimously. The Department concurred.

John Wesley Yopp, Associate Broker Applicant, Detroit

The board reviewed the Notice of Denial of an Application for an associate broker's license. Mr. Yopp was present with his broker and his attorney to discuss his petition and answer questions.

MOTION: After discussion, Mr. Nwagwu moved to overturn the Department's denial due to the evidence of rehabilitation presented and grant a limited license. The limitations are that (1) he must remain licensed to the broker: Riverfront Mortgage & Realty Corp, ID No. 6505-201026, with associate broker John W. Sims, ID No. 6502-115827, (2) if this broker severs this relationship by returning the wall license to the Department, the license will be suspended immediately, (3) this limitation will remain in effect until his court-ordered probation is successfully completed, during which time any violation of the law and rules and/or any formal complaint filed against him will result in immediate suspension and (4) by accepting this limitation, the broker is agreeing to inform the Department of any violations he may commit. Mr. Samson seconded and the motion passed unanimously. The Department concurred.

Neil Patrick Murphy, Individual Broker Applicant, Clinton Township

The board reviewed the Notice of Denial of an Application for an individual broker's license. Mr. Murphy was present with his attorney to discuss his petition and answer questions.

MOTION: After discussion, Mr. Samson moved to overturn the Department's denial due to the explanation presented. Mr. Sellman seconded and the motion passed unanimously. The Department concurred.

Mark Leo Kastner, Individual Broker Applicant, Haslett

The board reviewed the Notice of Denial of an Application for an individual broker's license. Mr. Kastner was present with his broker to discuss his petition and answer questions.

MOTION: After discussion, Ms. Sutherby-Fricke moved to uphold the Department's denial in that (1) the activity was reasonably related to the practice of real estate, (2) sufficient evidence of rehabilitation was not presented, and (3) 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. Nwagwu seconded and the motion passed unanimously. The Department concurred.

Timothy Roger Massel, Salesperson Applicant, Wyoming

The board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Massel was present with his parents to discuss his petition and answer questions.

MOTION: After discussion, Ms. Sutherby-Fricke moved to postpone the Petition to the June meeting in order to give the Petitioner an opportunity to bring his broker to the meeting, and requiring that he provide to the Department within 30 days documentation of his rehabilitation from professionals, letters of support from his community, a recent negative drug test proving that he has not been using cocaine, and evidence of his ability to deal with the public in a fair, honest and open manner. Mr. Samson seconded and the motion passed unanimously.

Eric Keith Link, Salesperson Applicant, Traverse City

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

MOTION: After discussion, Ms. Sutherby-Fricke moved to overturn the Department's denial due to the evidence of rehabilitation presented. Mr. Nwagwu seconded and the motion passed unanimously. The Department concurred.

Earl Scott Taylor II, Salesperson Applicant, Casco

The board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Taylor was present with his broker to discuss his petition and answer questions.

MOTION: After discussion, Ms. Sutherby-Fricke moved to overturn the Department's denial and grant the Petitioner a limited license due to the evidence of rehabilitation presented. The limitations are that (1) he must remain licensed to the broker, Achievers Real Estate, Inc., ID No. 6505-311120, with associate broker Cynthia J. Brickel, ID No. 6502-321736, (2) if this broker severs this relationship by returning the wall license to the Department, the license will be suspended immediately, (3) this limitation will remain in effect for two years, from March 5, 2007 until March 4, 2009, during which time any violation of the law and rules and/or any formal complaint filed against him will result in immediate suspension and (4) by accepting this limitation, the broker is agreeing to inform the Department of any violations he may commit. Mr. Nwagwu seconded and the motion passed unanimously. The Department concurred.

Christopher Lee Ayers, Salesperson Applicant, Bloomfield Hills

The board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Ayers was present with his broker and family members to discuss his petition and answer questions.

MOTION: After discussion, Ms. Sutherby-Fricke moved to overturn the Department's denial and grant the Petitioner a limited license due to the evidence of rehabilitation presented and the support of his broker and family. The limitations are that (1) he must remain licensed to the broker, Schweitzer Real Real Estate, Inc., ID No. 6505-047030, with associate broker John Joseph North, ID No. 6502-329308, (2) if this broker severs this relationship by returning the wall license to the Department, the license will be suspended immediately, (3) this limitation will remain in effect for two years, from March 5, 2007 until March 4, 2009, during which time any violation of the law and rules and/or any formal complaint filed against him will result in immediate suspension and (4) by accepting this limitation, the broker is agreeing to inform the Department of any violations he may commit. Mr. Nwagwu seconded and the motion passed unanimously. The Department concurred.

William McPherson V, Salesperson Applicant, Saline

The board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. McPherson was present with his broker and his attorney to discuss his petition and answer questions.

MOTION: After discussion, Mr. Nwagwu moved to overturn the Department's denial due to the evidence of rehabilitation presented. Mr. Sellman seconded and the motion passed unanimously. The Department concurred.

Craig Louis Lusk, Salesperson Applicant, Kentwood

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

MOTION: After discussion, Mr. Nwagwu moved to overturn the Department's denial due to the evidence of rehabilitation presented. Mr. Glasson seconded and the motion passed unanimously. The Department concurred.

Robert Leon Garrison, Jr., Salesperson Applicant, Phelps, WI

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

MOTION: After discussion, Mr. Glasson moved to overturn the Department's denial and grant a limited license due to the evidence of rehabilitation presented, but subject to the Department receiving within 60 days of the date of the board meeting a letter from a licensed mental health professional stating that he has been rehabilitated and is not a threat to the public; a revised application with the new broker's name and signature, and a signed letter of support from his broker. The limitations are that (1) he must remain licensed to the broker, Kolehmainen Insurance Agencies, Inc., ID No. 6505-342576, with associate broker Philip A. Kolehmainen, ID No 6502-342577, (2) if this broker severs this relationship by returning the wall license to the Department, the license will be suspended immediately, (3) this limitation will remain in effect for two years, March 5, 2007 to March 4, 2009 during which time any violation of the law and rules and/or any formal complaint filed against him will result in immediate suspension and (4) by accepting this limitation, the broker is agreeing to inform the Department of any violations he may commit. Mr. Samson seconded and the motion passed. Ms. Sutherby-Fricke voted no. The Department concurred.

Tanzie M. Sloderbeck, Salesperson Transfer Applicant, Niles

The board reviewed the Notice of Denial of an Application for a salesperson's transfer license. Ms. Sloderbeck was present to discuss her petition and answer questions.

MOTION: Ms. Sutherby-Fricke moved to allow this Petitioner to transfer to a different broker, but remaining with a limited license. The limitations are that (1) she must remain licensed to the broker, Southwest Michigan Real Estate Group, d/b/a Keller Williams Realty Southwest MI, ID No 6505-296124, with associate broker, Linda Jean Mawhinney, ID No 6502-341998, (2) if this broker severs this relationship by returning her wall license to the Department, her license will be suspended immediately, (3) this limitation will remain in effect for two years, from March 8, 2006 to March 8, 2008, during which time any violation of the law and rules and/or any formal complaint filed against her will result in immediate suspension and (4) by accepting this limitation, the broker is agreeing to inform the Department of any violations she may commit. Mr. Nwagwu seconded and the motion passed unanimously.

Melvin S. Rose II, Salesperson Applicant, Madison Heights

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

MOTION: After discussion, Mr. Nwagwu moved to overturn the Department's denial due to the evidence of rehabilitation presented. Ms. Sutherby-Fricke seconded and the motion passed unanimously. The Department concurred.

Aquel Marie Itter, Salesperson Applicant, Adrian

The board reviewed the Notice of Denial of an Application for a salesperson's license. Ms. Itter was present to discuss her petition and answer questions.

MOTION: After discussion, Ms. Sutherby-Fricke moved to overturn the Department's denial due to the evidence of rehabilitation presented and grant a limited license. The limitations are that (1) she must remain licensed to the broker, Referrals of Michigan, Inc., ID No. 6505-292042, with associate broker William C. Tyler, ID No 6502-333031, (2) if this broker severs this relationship by returning the wall license to the Department, the license will be suspended immediately, (3) this limitation will remain in effect until the court-ordered probation is successfully completed, during which time any violation of the law and rules and/or any formal complaint filed against her will result in immediate suspension and (4) by accepting this limitation, the broker is agreeing to inform the Department of any violations she may commit. Mr. Nwagwu seconded and the motion passed unanimously. The Department concurred.

Jeffrey L. McCall, Salesperson – Detroit

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

MOTION: After discussion, Ms. Sutherby-Fricke moved to overturn the Department's denial and grant a salesperson's license, contingent on the Department receiving notice that he has completed the required six hours of continuing education. As the trust account documents necessary to comply with the Final Order are no longer available, the board agreed to waive that part of the Final Order, but agreed to grant a salesperson's license rather than a broker's license, so he has supervision and does not have control of a trust account. Mr. Glasson seconded and the motion passed unanimously. The Department concurred.

STIPULATIONS

Michael McGlaun, Salesperson, License No. 6501-124672, **Complaint No. 301289, Docket No. 2006-1128**

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$1,500 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) Respondent shall pay restitution of \$1,000 to Edwin Dortch within 60 days of the date of the mailing of the Final Order, (3) if Respondent fails to pay the fine and/or the restitution within 60 days of the date of the mailing of the Final Order, the fine shall increase to \$3,000, (4) Respondent's license shall be immediately suspended as of the date of the mailing of the Final Order and will remain suspended until Respondent fully complies with the terms of the Final Order and (5) 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. Nwagwu seconded and the motion passed unanimously.

Lidi A. Maryanovska, Salesperson, License No. 6501-305806, **Complaint No. 299953**

MOTION: After discussion, Mr. Nwagwu moved to accept the Stipulation, which stated that (1) Respondent's license shall be revoked immediately on the date of mailing of the Final Order and (2) failure to comply with the terms of this Stipulation shall result in the revocation or continued revocation 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. Mr. Samson abstained.

**Joseph W. Breidenstein, Associate Broker, License No. 6502-100229,
Complaint No. 302839, Docket No. 2006-811**

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall comply with all of the terms of the Final Order (Complaint No. 93649) of the Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Builder's Board), by paying the \$3,000 fine to the Department and the \$9,920 restitution to the Complainant Alfred Hass II, and providing written proof of said payments to the Department, (2) failure to comply with all of the terms of the Builder's Board's Final Order within 120 days of the date of mailing of this Final Order shall result in the imposition of a \$1,000 fine and the suspension of all Article 25 licenses and in the denial of any license renewal and/or future applications for licensure until compliance, (3) failure to comply with the terms of the Builder's Board's Final Order within 180 days of the date of mailing of this Final Order shall result in the revocation of all Article 25 licenses and in the denial of any license renewal and/or future applications for licensure until compliance, (4) in the event that Respondent's license is suspended or revoked, Respondent shall immediately return his wall license and pocket card to the Department and shall not submit an application for licensure, relicensure or reinstatement for at least three years after the date of the mailing of this Final Order, (5) if Respondent submits an application for licensure, relicensure or reinstatement after three years of the date of the mailing of this Final Order, Respondent shall submit the application for consideration by both the Department and the Board of Real Estate Brokers and Salespersons, understanding that to be considered for a license following a revocation, an applicant shall meet all educational and examination requirements in effect at the time of the application and that credit for education, examinations, or experience obtained before the revocation shall not be granted. Mr. Nwagwu seconded and the motion passed unanimously.

**John Michael Toye, Associate Broker, License No. 6502-107572,
Complaint No. 302755, Docket No. 2006-1113**

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$1,500 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. Nwagwu seconded and the motion passed unanimously.

**Hometeam, Inc., d/b/a Re/Max Hometeam Realtors, Broker,
License No. 6505-292562, Complaint No. 300995, Docket No. 2006-1112**

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$1,500 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. Nwagwu seconded and the motion passed unanimously.

HEARING REPORTS

**Robert F. Peck, Salesperson, License No. 6501-331958, Complaint No. 302835,
Docket No. 2006-1198**

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Robert F. Peck. Mr. Nwagwu 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 only reapply after compliance with the Final Order issued by the Board of Residential Builders and Maintenance and Alteration Contractors (Builder's Board) and (3) failure to comply shall result in the continued revocation of all licenses of Respondent and in the denial of any license renewal and/or future applications for licensure until compliance. Mr. Glasson seconded and the motion passed unanimously.

Kimberly G. Behr, Salesperson, License No. 6501-295487, Complaint No. 300100, Docket No. 2006-888

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Kimberly G. Behr. Mr. Nwagwu seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$1,000 fine within 60 days of the date of the mailing of the Final Order, (2) Respondent's license shall be revoked immediately on the date of the mailing of the Final Order and (3) failure to comply shall result in the continued revocation of all licenses of Respondent and in the denial of any license renewal and/or future application for licensure until compliance. Mr. Glasson seconded and the motion passed unanimously.

Kristina Alexandra Johnson, Salesperson, License No. 6501-240672, Complaint No. 300836, Docket No. 2006-635

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Kristina Alexandra Johnson. Mr. Nwagwu seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$10,000 fine within 60 days of the date of the mailing of the Final Order, (2) Respondent's license shall be revoked immediately on the date of the mailing of the Final Order and (3) failure to comply shall result in the continued revocation of all licenses of Respondent and in the denial of any license renewal and/or future application for licensure until compliance. Mr. Sellman seconded and the motion passed unanimously.

STAFF REPORTS

Examination Update

Mr. Byrne, manager of the Testing and Education Services unit, noted that Dianne Bailey had taken a position in a different branch of government. He introduced Peggy Waugh, who is temporarily filling in for Ms. Bailey until a replacement is hired. The position is in charge of approving prelicensure and continuing education classes, sponsors and schools, and the posting of continuing education attendance to Department records.

Mr. Byrne also discussed on-site licensing. He hoped that it would be available by April 1st for real estate. Eligible cosmetology applicants already can receive an on-site license. If the applicant passes the examination, an on-site pocket card would be issued at the exam site. In order to facilitate this procedure, staff is working towards having the prelicensure class completion submitted electronically to the examination vendor. Applicants will go to MyLicense, which is a Department website, to pay the licensing and examination application fees. Currently, applicants are not paying the license fee before they pass the examination, but with future changes the license fee would be paid at the exam site after a successful exam. If salespersons do not list a broker on the application, no license would be issued at the exam site.

Mr. Glasson asked whether there is a mechanism for the broker to verify that the broker approved the licensee working for them. Mr. Byrne replied that there is no method of informing the broker that the applicant received an on-site license. However, the Department will still issue the paper wall licenses and pocket cards to employing brokers.

Ms. Boven added that the law requires that a broker sign the salesperson's application and that could be an obstacle for this process. One idea put forth was to have the brokers have PIN numbers, and they could go into MyLicense and verify that they endorse the applicant. That would be another step in the approval process before the applicant could take the examination and receive an on-site license. Currently, the applicant would need to mail or fax in the application with the broker's signature.

Many years ago the Department received the application and fee and approved the applicant to take the exam and collected the full license fee. If the person didn't pass the exam within a one-year period, the law required the Department to issue a refund. It became a very cumbersome process. In order to avoid that problem, the Department is considering having the applicant pay for the license at the exam site after passing the examination. The examination vendor would then remit the licensing fees to the Department. The current database software is working very well for the cosmetology applicants and staff is working toward making that process available for real estate.

Mr. Byrne agreed that currently the applicant would be paying the license fees before taking the examination, and some unsuccessful candidates could be entitled to a refund. The vendor does have a process where they can collect the fees at the test site. However, it takes time to set up the process to transfer funds to the Department.

Job Analysis Survey

Mr. Longworth distributed information regarding the Job Analysis Survey that will be conducted by the new examination vendor, PSI. He stated that the Department staff met last month with a group of Subject Matter Experts (SME) to compose and edit the survey. The survey is web-based. Postcards were mailed to 3,000 brokers and salespersons asking them to visit the website and complete the survey, but anyone with a current license can complete the survey. The Michigan Association of Realtors (MAR) will also be publicizing it. He encouraged board members to go to the website, <http://www.psonline.com/MIRE2.htm>, also. Those licensees who received a postcard received a PIN number and should go to <http://www.psonline.com/MIRE.htm>. If they do not respond, they will receive a second postcard. The postcards are being tracked in an effort to be sure the responses come from all of the geographic areas in Michigan.

The postcards were mailed on March 1st, and the survey would be active from March 1st to March 26th. Mr. Sellman asked what level of compliance is hoped for. Mr. Longworth replied that they would send a second postcard, but had also opened up the survey to all licensees in an effort to get as large a response as possible. Those who did not receive postcards would need to put in their license ID number, and the staff would be checking to be sure that the person had a current license and that the same person did not fill out the survey more than once. Mr. Longworth noted that from the 3,000 postcards mailed, they expected to have 500-1,000 responses.

Mr. Longworth discussed the contents of the postcard and noted that it was sent to a variety of brokers and salespersons. The licensees were selected so that there would be a balanced range according to age, years as a licensee, geographic location, type of license, etc. The staff intended that each county would have two or three licensees responding and the industry would be well represented state-wide.

Board members asked about the survey questions. Mr. Longworth responded that the survey first asked about job duties the licensees do each day and the frequency, how important those tasks are, and how critical it is for a new licensee to know. He added that the survey is very detailed and not all of the information gathered would translate to examination items. Staff expect to also learn about professional activities from the survey that are not performed often, are not critical to day-to-day operations, are not able to be tested, and those activities will not appear on the examination. It is a survey of how important different tasks are within the occupation. Mr. Longworth stated that the second part of the survey contains knowledge statements regarding what a new licensee needs to know.

Redbooks

Ms. Millben stated that the February 2007 Redbook is now on the Department's website. It includes the new education rules and is completely updated. She described how to navigate the website to find it. She noted that the Redbook would continue to be available on the website, so anyone who wanted a copy could download it and print it out in 8 ½ by 11" format. There was now an order pending to print Redbooks, but availability is unknown at this time.

Renewals

Ms. Millben stated that the renewal process was completed. The Department staff intends to communicate with licensees during the current three-year cycle regarding the requirements to renew. Many renewal applications were returned to the Department as undeliverable because licensees had moved and not informed the Department. Additional items will be on the website to remind licensees about continuing education. MAR has also offered to include articles in their publications and mailings regarding renewal, address changes, and continuing education.

Ms. Sutherby-Fricke asked what procedures there were for a licensee to change their address. Ms. Millben replied that she believed that licensees would be able to go online to change it on the new website of MyLicense.

SUGGESTED MINIMUM SANCTIONS

Ms. Millben stated that she would be providing board members a with copy of the current Suggested minimum sanctions, which have not been updated since 2000. She asked board members to review them for discussion at the next board meeting.

Mr. Gobbo stated that there are four categories listed, but there are many more types of violations that can occur. He suggested that board members might look at Section 604 of the Occupational Code, that details general violations applying to all occupations, and see if there are violations the board considers would deserve a minimum fine. He added that suggested minimum sanctions are very useful for the Department staff to use to create stipulated agreements during compliance conferences when no board members attend. If the agreement follows them, it is more likely be approved when the stipulation is presented to the board.

He added that the staff also uses the minimum sanctions when making sanction recommendations at a hearing. Staff from other Departments also use them, including assistant attorneys general from the Department of Attorney General. These suggested minimum sanctions guide what everyone is doing, so there is less subjective influence. It will help the Department and the board to maintain standard consistency and could lessen the possibility of an appeal in circuit court.

Ms. Boven stated that the Board Member Handbook has a section that includes all of the occupations' suggested minimum sanctions. Board members could review how other occupations are breaking down the categories to include the most frequent types of violations they see in their industry. The boards have similar sanctions, but look at sanctions from different perspectives. Mr. Gobbo added that different violations are more important in some occupations than others and the primary goal is to protect the public.

Mr. Gobbo stated that most suggested minimum sanctions in all of the occupations start at \$500. That amount was determined based on the cost to the Department to investigate a case and was intended to offset the cost of all of the necessary procedures. In the last seven years the minimum cost per case has risen, and even though only about 20% of fines are collected in total without intervention by the Department of Treasury, the suggestions need to be updated.

Mr. Gobbo stated that if the licensee does not pay the fine within six months, collection is referred to the Department of Treasury. The Department of Treasury can seek any type of garnishment that is available. Usually they cross-reference the person to an income tax refund and will continue to take refunds until the whole fine is collected. Treasury uses the Department's Final Order as the legal judgment against the person. Governmental fines are generally exempt from discharge in bankruptcy. He also noted that the Department cannot do any collections on restitution.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

Ms. Millben noted that there are now two vacancies on the board for public members. As Ms. Tesanovich had recently resigned for health reasons, there is also a professional member vacancy. If board members knew of anyone interested, they should contact the Governor's Appointments Office.

NEXT MEETING DATE – JUNE 4, 2007

The next regularly scheduled meeting of the Board of Real Estate Brokers and Salespersons is scheduled for June 4, 2007.

ADJOURNMENT

There being no further business to be brought before the board, the meeting was adjourned at 2:00 p.m.

_____/s/_____
Brian T. Huggler, Chairperson

_____6-4-07_____
Date

_____/s/_____
Ann Millben, Licensing Administrator

_____6-4-07_____
Date