

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

BOARD MEETING MINUTES

June 1, 2009 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 June 1, 2009 at the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, First Floor, Conference Room 3, 2501 Woodlake Circle, Okemos, Michigan.

CALL TO ORDER

The business meeting was called to order by Chairperson Huggler at 9:38 a.m.

Present:	Brian T. Huggler	Chairperson
	Kyrian Nwagwu	Vice-Chairperson
	James W. Sellman	Member
	Daniel Samson	Member
	Shawn Huston	Member
	Mark J. Wehner	Member
	Kevin J. Plagens	Member
Absent:	Sheri Sutherby-Fricke	Member
	Michael Glasson	Member
Staff:	Joyce Karr	Director of Licensing
	Ann Millben	Licensing Administrator
	Lori Porubsky	Assistant Licensing Administrator
	Angela Diro	Secretary
	Stephen Gobbo	Compliance/Legal
	Ann Paruk	Compliance/Legal
	Yvette Robinson	Compliance/Legal
	Michael Lockman	Assistant Attorney General
	Jim Willems	DIT/Michigan Business One Stop
Visitors:	Danneta Moore	Petitioner
	Betty Bell	Petitioner
	Anthony Rapp	Broker for Petitioner Bell
	Rabih Bazy	Petitioner
	Suzanne Thompson	Petitioner
	Craig Wallace	Petitioner
	Craig Jefferson	Petitioner
	Robert M. Small	Petitioner
	Robert W. Small	Broker for Petitioner Small

Brian Rashid	Petitioner
Andrea Bates	MAR
Barbara Pulice	

ADDITIONS TO OR DELETIONS FROM AGENDA

Ms. Millben informed the Board of a request the Department received from Petitioner Van Nocker to be postponed until the September 28, 2009 meeting. Ms. Millben also stated that there was the addition of 6J, Craig Jefferson, and reminded members of the folder contents containing additional information to be included for deliberation.

MICHIGAN BUSINESS ONE STOP PRESENTATION

Ms. Karr introduced Mr. Willems from Department of Information Technology. Mr. Willems provided a 25-minute presentation introducing the new web-based initiative, supported by the Governor's office, Michigan Business One Stop.

APPROVAL OF THE MINUTES FROM THE MEETING HELD March 2, 2009

MOTION: Mr. Sellman moved to approve the minutes from the March 2, 2009, meeting. Mr. Huston seconded and the motion passed unanimously.

PUBLIC COMMENT

None.

PETITIONS

Danneta Moore, Salesperson Applicant, Benton Harbor

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

DISCUSSION: Mr. Huggler stated that Ms. Moore was at the December 2008 meeting and was postponed to the March 2009 meeting, at that time she requested that her petition be postponed to the June 2009 meeting. Ms. Moore confirmed for Mr. Huggler that she was denied a license due to lack of good moral character stemming from incidents in 2006 and 2008. She noted that she was able to locate a Broker, Exit Realty, but was not currently available to work with them due to the fact that she was in school until the end of September. She added that with the financial burden of the MLS fees, she was unable to have everything in place at this time to begin working with Exit Realty. Mr. Huggler asked

if she was requesting that the Board postpone her petition again. Ms. Moore requested that she be allowed to the end of September. Ms. Millben asked if she had filed a new

application or if we were currently working on the original application from April 2008. Ms. Moore stated that it was the original application. Mr. Huggler asked if the application would be expired by the September 2009 meeting. Ms. Millben confirmed that it would be. Mr. Huggler remarked that the application is valid for one year, and since Ms. Moore has now been through the process, she will know what it is the Board is looking for in order to grant a license when she applies again. He reminded her to have her broker with her, submit documentation of completed education and any additional letters of reference or other related information. Ms. Moore asked if she would need to take the education or exam again. Ms. Millben stated the exam is only valid for one year, but the education is valid for three years.

MOTION: After discussion, Mr. Plagens moved to uphold the department's denial due to: (1) the offense 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. Wehner seconded and the motion passed unanimously. The Department concurred.

Craig Wallace, Salesperson Applicant, Detroit

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

DISCUSSION: Mr. Huggler stated that Mr. Wallace was denied a license due to lack of good moral character stemming from several incidents in the 1990's and most recently in 2001. He asked the Petitioner to discuss with the board why he felt the Board should overturn the Department's denial. Mr. Wallace replied that real estate is something he has always wanted to do. He added that he got caught up in some things when I was homeless. Mr. Huggler asked Mr. Wallace if he had spoken with his prospective Broker regarding his past and he replied yes. Mr. Nwagwu asked if the Board were to grant him a limited license would he have a problem with it? Mr. Wallace replied no.

MOTION: After discussion, Mr. Nwagwu moved to overturn the department's denial due to evidence of rehabilitation presented and grant a two (2) year limited license. The limitations are that Mr. Wallace continues to be licensed to employing broker, Woodward Market Center Inc., ID No. 6505-338536, for a two (2) year period. This will be contingent upon Mr. Wallace passing of the Real Estate exam and the Department receiving a letter from the Broker stating they are willing to take full responsibility for Mr. Wallace; the letter must be on company letterhead. Mr. Plagens seconded and the motion passed unanimously. Department concurred.

Suzanne Thompson, Salesperson Applicant, Shelby

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

DISCUSSION: Ms. Thompson stated that her Broker is unable to attend due to the Broker's second business which requires her to be in attendance at that location; however, she did provide a letter. Mr. Huggler stated that the Petitioner was denied a license due to lack of good moral character stemming from an incident that happened in 1994. Ms. Thompson responded that it was a situation where she made the wrong decision on how to get out of a domestic violence situation. Mr. Huggler asked about additional education. Ms. Thompson replied that she had obtained her Associates Degree in Arts, a Bachelors Degree, a Vocational Certificate in Graphic Design and an honorable discharge from the Army. Mr. Huggler asked if her potential Broker was aware of her past. Ms. Thompson replied yes and that she had been employed with her for a year as her secretary.

MOTION: After discussion, Mr. Huston moved to overturn the Department's denial due to evidence of rehabilitation presented and grant a salesperson's license. This will be contingent upon Ms. Thompson passing of the Real Estate exam within 90 days. Mr. Sellman seconded and the motion passed unanimously. The Department concurred.

Rabih Bazy, Salesperson Applicant, Dearborn

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

DISCUSSION: Mr. Bazy said that his Broker was unable to attend the meeting today. Mr. Huggler stated to Mr. Bazy that he was denied a license due to lack of good moral character stemming from an incident in 2008. Mr. Bazy confirmed that it was a situation where he was out at a nightclub with friends and a lady accused him of touching her. He pleaded and is currently serving probation and is taking treatment classes. Mr. Huggler pointed out that the Petitioner is currently on probation until April 24, 2010. Mr. Samson asked about his perspective Broker. Mr. Bazy answered Theodore Easterly, whom he was currently working for at ReMax. His duties there currently include assisting the manager, working the front desk and learning the business. Mr. Huggler asked if ReMax was aware of the Petitioner's past. Mr. Bazy affirmed that they were. Mr. Nwagwu asked why the letter from the Broker was not on company letterhead. Mr. Bazy replied that he did not know why it was not on letterhead, but the Broker is fully supportive of him. Mr. Plagens asked if his case was tried in court. Mr. Bazy replied that there was no jury, he had made a plea because it would have been her word against his; therefore he plead no

contest. Mr. Bazy continued that he could have faced up to 15 years in prison, which is the reason he took the plea.

Mr. Wehner felt that, under the circumstances, it is vital to have the Broker present to verify

they fully understand any limitations that may be placed on the license, if granted, and that they are willing to take on the responsibility. Mr. Huggler explained that, on some occasions, the Board will overturn the Department's denial and grant a limited license, which puts additional responsibility on the Broker. The Board feels it is vital to speak with the Broker to assure that they are aware of their responsibilities when it comes to the limitations. The Board cannot guarantee the Broker is willing to take on these limitations without having the opportunity to speak with them. Mr. Huggler continued by pointing out that the Board can do one of two things; either vote on the petition, as is, without speaking to the Broker, which will most likely end with voting to uphold the Department's denial; or postpone the petition to the September 28, 2009 meeting. He emphasized that if postpone that it would be vital to have the Broker present at the meeting to make sure they are aware of the situation. Mr. Huggler concluded that this will not a guarantee that the Board will overturn the Department's denial. Mr. Bazy replied that he would like to postpone his petition. Mr. Huggler said that if the Petitioner has any additional information between now and then, completed classes, treatment, reference letters, etc., Mr. Bazy will want to submit them to the Department before the September meeting. Ms. Millben added that included with his original denial there was a document included that lists types of items that can help prove rehabilitation.

MOTION: Mr. Wehner moved to postpone Mr. Bazy's petition until the September 28, 2009 Board Meeting to allow Mr. Bazy to have his prospective Broker present and to submit any additional information that will assist in proving rehabilitation. Mr. Samson seconded and the motion passed unanimously. The Department concurred.

Robert Small, Salesperson Applicant, Chesterfield

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

DISCUSSION: Mr. Huggler stated that the petitioner denied a license due to lack of good moral character stemming from incidents in 2007 and 2008. Mr. Small replied yes, that he was hanging out with the wrong crowd and got caught up in wrong things. He's completed in-patient and out-patient treatment. Mr. Huggler asked him why he wanted a real estate license. Mr. Small replied that his grandfather is in the business and he wanted to try it. Mr. Huggler asked Broker, Mr. Small, if there is anything he would like to add. Mr.

Small replied that his grandson had been all over the place, but he feels that he has made the turn with the drug treatment. In his opinion it was never an issue of honesty, it had to do with the drugs. Mr. Huggler asked if he was aware that he would be basically putting his license on the line for his grandson. Mr. Small replied that he understood. Mr. Sellman

asked if Mr. Small would be pursuing reactivating his real estate appraiser's license. Mr. Small replied yes. Mr. Samson emphasized to the Petitioner, that his grandfather was putting his neck out on his behalf that his actions would reflect on him; is this something you've discussed?" Both petitioner and prospective broker replied yes. Mr. Plagens asked the Petitioner if he was currently on probation. Mr. Small replied no. Mr. Wehner inquired if the Petitioner attended meetings, Mr. Small replied, that he does when he can, and that he has a sponsor that he speaks to regularly. Mr. Sellman asked if he planned on working full-time in real estate. Mr. Small replied that he would probably start out part-time because he has bills to pay, but he will work on transitioning into full-time.

MOTION: After discussion, Mr. Wehner moved to overturn the department's denial due to evidence of rehabilitation presented and grant a three (3) year limited license. The limitations are that Mr. Small continues to be licensed to employing broker, Robert Small, R.W. Small & Associates, ID No. 6504-040496, for a three (3) year period. This will be contingent upon Mr. Small passing the Real Estate exam. Also, Mr. Small is not to handle earnest money for that three (3) year period. Mr. Sellman seconded and the motion passed unanimously. The Department concurred.

Betty Bell, Salesperson Applicant, Saginaw

The Board reviewed the Notice of Denial of an Application for a salesperson's license. Ms. Bell and her prospective broker Mr. Rapp were present to discuss her Petition and answer questions.

DISCUSSION: Mr. Huggler stated that Ms. Bell appeared before the Board at the March 2009 meeting and has since reapplied. Her Denial stemmed from incidents in 1996, 2004 and 2008 (income tax violation). He asked the Petitioner to tell the Board a little about the circumstances. Ms. Bell responded that in 1996 she had an assistant working with her at her travel agency to assist with booking a group trip. There was some activity found on the credit card that was not authorized and she had signed off on the paperwork. Since it was her business and she signed off on it, she was held responsible. She had given the investigators the assistant's information, but was still held responsible because she signed off on it. In 2004 a \$34 dress was put in her bag, that someone else was holding, while shopping. She tried to fight the charge, it went to a jury trial and she was found responsible because it was in her possession. She was offered a plea bargain, but she didn't take it, because she didn't know it was in her bag when she was stopped by the officer. Ms. Bell stated that the income tax violation stemmed from a business she

owned with her mother but the taxes were in her name. She discontinued the business, so her mother hired someone else and that person was under the impression that there were no taxes to pay. When the taxes were not paid, Ms. Bell was given a delayed sentence of six months to pay. As of November 2008 it was dismissed. Mr.

Huggler asked if costs for other incidents are paid for. Ms. Bell confirmed that all costs were paid.

Mr. Huggler asked Mr. Rapp if he could tell the Board why he would like to employ Ms. Bell. Mr. Rapp stated that he thought Ms. Bell would be a good addition to his company. She seems very determined and motivated, which was evident by her continuous effort to get a license. He stated that he was aware of the 1996 issue and the tax issue, but not the 2004 incident, and thought she may have just overlooked it. Ms. Bell responded, that the 2004 issue just got overlooked as they were always interrupted and had focused on the issues that they thought were the reasons she got denied the first time. Mr. Huggler asked Mr. Rapp if, based on what he'd heard today, has his position changed? Mr. Rapp replied no.

Mr. Huston felt that the 2004 incident presented the most troubling facts. He said that in reviewing the statements Ms. Bell made, she originally indicated in her previous petition that she was not in the store, and then she stated she gave purse to a friend and were on your way to a bus stop. Ms. Bell replied that that was incorrect, that she never said she wasn't in the store, she had gone into the dressing room to try on clothes and had the lady with her hold her purse while she was in dressing room. When she came out she paid for a few items and was then approached by an officer when she left the store. A buzzer went off and she was not aware of anything inside of her purse, she had my wallet and credit card in her hand when she went to purchase. Mr. Plagens asked if she stopped when the buzzer went off. Ms. Bell replied no, there were several people coming out of the store. I did not know he was coming towards me. Mr. Plagens stated that one thing the Board has to go on is the police report and it states Ms. Bell went through someone's back yard to a bus stop; he asked Ms. Bell if she was saying the police report was incorrect. Ms. Bell replied that the police report was not correct, the names don't go with the incident. That was why she took it to court. Ms. Porubsky stated that in the Petitioner's letter submitted with the last petition it was stated that her sister placed the item in her purse; in current letter Ms. Bell states that it was her sister's friend that placed it there. Ms. Bell replied that it was not her sister. Mr. Plagens asked if in the 2004 incident, did she plea no contest or was she found guilty by jury trial. Ms. Bell stated that she was found guilty by jury. Mr. Nwagwu asked if she was on probation or parole. Ms. Bell replied no.

Mr. Huston mentioned that one of the things he looks for in evidence of rehabilitation is taking responsibility for their actions. He felt that he kept hearing that it wasn't the Petitioner's fault, so he was having difficulty with that and was inclined to uphold the

Department's denial. Ms. Bell replied that she was very sorry for what happened and it was her fault for being in the wrong place at the wrong time.

MOTION: After discussion, Mr. Huston moved to uphold the Department's denial due to (1) the offense 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. Plagens seconded and the motion passed. Mr. Nwagwu voted no. The Department concurred.

Brian Rashid, Salesperson Transfer Applicant, Farmington Hills

The Board reviewed the Request of Transfer Application for a limited salesperson's license. Mr. Rashid was present to discuss his Petition and answer questions.

DISCUSSION: Ms. Millben stated that Mr. Rashid is requesting his limited license be transferred to a new broker. The Board had previously granted Mr. Rashid a three-year limited license, the limitations included that he not handle earnest money. Mr. Rashid passed the exam and was issued a limited license. Mr. Rashid stated that he would also like to request modifications since he was no longer on probation. He is asking to have the limitations removed. Mr. Huggler stated that the Board took a chance on granting him a license so he could prove he could follow the limitations. He asked him to explain the experience that he's had in six months he's been licensed. Mr. Rashid replied that he's learned a lot in the last nine months. Opportunities arise so to be able to transfer to different brokers who are fully aware of my situation in order to make money would be beneficial. The no earnest money handling was a hindrance, he was hoping to be able to transfer brokers. Mr. Rashid stated that he had letters from two different Brokers with potential opportunities, they were both aware of his situation and the fact that he may not be able to handle earnest money, and they were fine with it. Ms. Millben asked why the Petitioner was originally denied a license. Mr. Rashid replied that it was for a conviction in 1996 having to do with drugs. He sold drugs to a friend and at that time he plead guilty and served his sentence. Mr. Wehner asked the Petitioner if he was asking to be released to another Broker. Mr. Rashid replied yes. Mr. Wehner reviewed the letters and stated that one letter says possible and another mentions restrictions, so to me it is not clear that they would be willing. He wondered why he wanted to switch brokers. Mr. Rashid replied that there is more of an opportunity to move into commercial real estate. Mr. Sellman felt that he would like to see the new brokers to assure they are aware of situation and their possible responsibilities.

MOTION: Mr. Wehner moved to postpone Mr. Rashid's request for transfer until the September 28, 2009 Board Meeting to allow Mr. Rashid to have his prospective Broker present. Mr. Huston seconded and the motion passed unanimously. The Department concurred.

Martin Djeljevic, Salesperson Applicant, Shelby Township

The Board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Djeljevic was not present to discuss his Petition and answer questions.

DISCUSSION: Mr. Huggler stated that applicant was denied a license due to lack of good moral character stemming from an incident in 2008. Mr. Huston feels the incident is fairly recent; Mr. Djeljevic is still on probation and has no broker listed.

MOTION: After discussion, Mr. Huston moved to uphold the Department's denial due to (1) the offense 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. Department concurred.

Craig Jefferson, Salesperson Reinstatement Applicant, Waterford

The Board reviewed the Request for Reinstatement Application for a salesperson's license. Mr. Jefferson was present to discuss his Petition and answer questions.

DISCUSSION: Ms. Millben stated that when a license is revoked the licensee must submit a reinstatement application and come before the Board. Mr. Lockman asked, "According to the Stipulation, it states until compliance with the terms of the Stipulation. Have you paid the fine yet?" Mr. Jefferson confirmed that he had paid the fine. Mr. Lockman pointed out that this was a conditional revocation and he appears to be in compliance.

MOTION: After discussion, Mr. Sellman moved to reinstate Mr. Jefferson's salesperson license due to compliance with stipulation. Mr. Samson seconded and the motion passed unanimously.

STIPULATIONS

Paul F. Pellerito, Salesperson, License No. 6501-270694, Complaint No. 6507-000283, Former No. 307088

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$500 fine to the Department within sixty (60) days of the date of the mailing of the Final Order, (2) shall pay restitution in the amount of \$2,969 payable to Brian Chesney within sixty (60) days of the date of the mailing of the Final Order, (3) failure to comply with the terms of this Stipulation within sixty (60) days of the date of the mailing of the Final Order shall result in the suspension or continued suspension of all licenses or registrations of both Respondents (including all licensed residential builder or maintenance and alteration contractor licensees for which Respondent(s) serve as qualifying officer) or in the denial of any license renewal and/or future applications for licensure until compliance and 4) failure to comply with the terms of this Stipulation within six (6) months of the date of the mailing of

the Final Order shall result in the revocation or continued revocation of all licenses or registrations of both Respondents (including all licensed residential builder or maintenance and alteration contractor licensees for which Respondent(s) serve as qualifying officer) or in the denial of any license renewal and/or future applications for licensure until compliance . Mr. Plagens seconded and the motion passed unanimously.

Halstead Inc. D/B/A Century 21 Halstead, Inc., Broker, License No. 6505-231026, Complaint No. 6506-000139, Former No. 302433

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$1,250 fine to the Department within sixty (60) days of the date of the mailing of the Final Order, 2) shall submit to the Department of Energy, Labor & Economic Growth Certified Public Accountant Attestation Report(s) prepared by a CPA licensed in Michigan for the specified periods of time giving an opinion as to whether Respondents have deviated from the requirements of the Occupational Code or the Rules promulgated thereunder, using the Attestation Report format approved by the Bureau of Commercial Services, Administrative Services Division. Respondents are responsible for all costs associated with the preparation of the CPA Attestation Report(s). The Report(s) shall include the period of time beginning on January 1, 2005, and ending six (6) months after the date of the Final Order in this matter. The Report(s) shall be submitted within sixty (60) days of the end date of the reporting period to the address listed in Paragraph 5. Respondents agree that if the Department determines that the CPA Attestation Report(s) is not acceptable, then the Department may request that Respondents prepare and submit a second CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for an additional six (6) months. If the Department requests a Second Attestation Report, it shall be submitted within sixty (60) days of the end date of the reporting period and, (3) failure to comply with the terms of this Stipulation shall result in the suspension or continued suspension of all licenses or registrations of Respondents or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance. Mr. Plagens seconded and the motion passed unanimously.

Theresa A. Koehler, Associate Broker, License No. 6502-109340, Complaint No. 6502-280000, Former No. 68388

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a fine in the amount of \$250 to the Department within sixty (60) days of the date of the mailing of the Final Order, (2) if

respondent currently serves as a signatory on her own or another associate broker's trust account, she shall submit to the Department of Energy, Labor & Economic Growth Certified Public Accountant Attestation Report(s) prepared by a CPA licensed in Michigan for the specified periods of time giving an opinion as to whether Respondent has deviated from the requirements of the Occupational Code or the Rules promulgated thereunder, using the Attestation Report format, approved by the Bureau of Commercial Services, Administrative Services Division. Respondent is responsible for all costs associated with the preparation of the CPA Attestation Report(s). The Report(s) shall include the period of time beginning on January 1, 2009 and ending six (6) months after the date of the Final Order in this matter. The Report(s) shall be submitted within sixty (60) days of the end date of the reporting period to the address listed in Paragraph 6, 3) Respondent agrees that if the Department determines that the CPA Attestation Report(s) is not acceptable, then the Department may request that Respondent prepare and submit a second CPA Attestation Report for the six month period of time commencing with the ending date of the First CPA Attestation Report for an additional six (6) months. If the Department requests a Second Attestation Report, it shall be submitted within sixty (60) days of the end date of the reporting period, (4) if respondent does not serve as a signatory to any real estate trust account, then she shall supply written proof from her employing broker of this fact within sixty (60) days of the date of mailing of the Final Order in this matter and, (5) failure to comply with the terms set forth in this Stipulation shall result in the suspension or continued suspension of all licenses or registrations of Respondent or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this Stipulation. Mr. Plagens seconded and the motion passed unanimously.

Sam Gerald Halstead, Associate Broker, License No. 6502-135100, Complaint No. 6506-000153, Former No. 302517

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$1,250 fine to the Department within sixty (60) days of the date of the mailing of the Final Order, (2) shall submit to the Department of Energy, Labor & Economic Growth Certified Public Accountant Attestation Report(s) prepared by a CPA licensed in Michigan for the specified periods of time giving an opinion as to whether Respondents have deviated from the requirements of the Occupational Code or the Rules promulgated hereunder, using the Attestation Report format approved by the Bureau of Commercial Services, Administrative Services Division. Respondents are responsible for all costs associated with the preparation of the CPA Attestation Report(s). The Report(s) shall include the period of time beginning on January 1, 2005, and ending six (6) months after the date of the

Final Order in this matter. The Report(s) shall be submitted within sixty (60) days of the end date of the reporting period to the address listed in Paragraph 5. Respondents agree that if the Department determines that the CPA Attestation Report(s) is not acceptable, then the Department may request that Respondents prepare and submit a second CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for an additional six (6) months. If the Department requests a Second Attestation Report, it shall be submitted within sixty (60) days of the end date of the reporting period and, (3) failure to comply with the terms of this Stipulation shall result in the suspension or continued suspension of all licenses or of Respondents or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance. Mr. Plagens seconded and the motion passed unanimously.

Quinnon L. Martin III D/B/A Leboursia Realty Group, Individual Broker, License No. 6504-179804, Complaint No. 6503-000059, Former No. 85580

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$500 fine to the Department within sixty (60) days of the date of the mailing of the Final Order, (2) Respondent shall submit to the Department of Energy, Labor & Economic Growth Certified Public Accountant Attestation Report(s) prepared by a CPA licensed in Michigan for the specified periods of time giving an opinion as to whether Respondents have deviated from the requirements of the Occupational Code or the Rules promulgated hereunder, using the Attestation Report format approved by the Bureau of Commercial Services, Administrative Services Division. Respondent is responsible for all costs associated with the preparation of the CPA Attestation Report(s). The Report(s) shall include the period of time beginning on January 1, 2003, and ending six (6) months after the date of the Final Order in this matter. The Report(s) shall be submitted within sixty (60) days of the end date of the reporting period to the address listed in Paragraph 5. Respondent agrees that if the Department determines that the CPA Attestation Report(s) is not acceptable, then the Department may request that Respondents prepare and submit a second CPA Attestation Report for the six (6) month period of time commencing with the ending date of the first CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for an additional six (6) months. If the Department requests a Second Attestation Report, it shall be submitted within sixty (60) days of the end date of the reporting period and, (3) failure to comply with the terms of this Stipulation shall result in the suspension or continued suspension of all licenses or registrations of Respondents or in the denial of any license or registration

renewal and the denial of future applications for licensure or registration until compliance. Mr. Plagens seconded and the motion passed unanimously.

Paul Berisha, Salesperson, License No. 6501-286162, Complaint No. 6507-000438

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$1,000 fine to the Department within sixty (60) days of the date of the mailing of the Final Order and, (2) failure to comply with the terms of this Stipulation within sixty (60) days shall result in the suspension or continued suspension of all licenses or registrations of Respondent or in the denial of any license renewal and/or future applications for licensure until compliance. Mr. Nwagwu seconded and the motion passed unanimously. Mr. Huggler abstained.

Bush Training, Sponsor, Approval No. J027, Complaint No. 6505-000659, Former No. 301583

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$500 fine to the Department within sixty (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 Article 25 licenses or registrations of Respondent or in the denial of any license or registration renewal and the denial of future application's for licensure or registration until compliance. Mr. Plagens seconded and the motion passed unanimously.

Ronald Simpson, Associate Broker, License No. 6502-136274, Complaint No. 6506-000826, Former No. 305474

MOTION After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$1,000 fine to the Department within sixty (60) days of the date of the mailing of the Final Order, (2) shall file CPA Attestation Reports semi-annually for one year beginning on the date of mailing of the Final Order. If final Attestation Report does not demonstrate full compliance, Respondent shall continue to submit reports semi-annually until Respondent can demonstrate full compliance and, (3) failure to comply with the terms set forth in this Stipulation shall result in a revocation or continued revocation of all licenses or registrations of Respondent or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this Stipulation. Mr. Huston seconded and the motion passed unanimously.

Jess Kapp D/B/A Jesse Kapp Realty, Individual Broker, License No. 6504-063210,

Complaint No. 6507-00506

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay restitution in the amount of \$1,000 to Kimberly Derrick within ninety (90) days of the date of mailing of the Final Order, (2) Respondent agrees to Voluntary Revocation of his Individual Broker License, and including all Article 25 real estate licenses currently in lapsed status, effective the date of mailing of the Final Order in this matter. It is acknowledged that Respondent returned his Wall License and Pocket Card to the Bureau, received December 2, 2008, and therefore the license has been classified as "Closed-License Returned." Respondent indicated that he no longer desires to maintain a license due to the fact that he is 77 years of age and suffering from health issues. It is noted that Respondent first obtained this Individual Broker license in 1986 and has held other real estate licenses, including Associate Broker, Salesperson, and Branch Offices; and there is no record of prior complaints or sanctions, (3) there shall be No fine if Respondent pays the \$1,000 Restitution to complainant within ninety (90) days of the date of mailing a Final Order in this matter. However, in the event that Respondent fails to pay the Restitution to Complainant within ninety (90) days of the date of mailing a Final Order in this matter, Respondent shall also pay a fine in the amount of \$2,000 (in addition to paying restitution to complainant) within one hundred twenty (120) days and, (4) failure to comply with the terms set forth in this Stipulation shall result in the Continue Revocation of all Article 25 licenses or registrations of Respondent or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance. Mr. Plagens seconded and the motion passed unanimously.

Jeffrey R. Kwitt, Salesperson, License No. 6501-314321, Complaint No. 6507-000468

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a fine in the amount of \$3,000 within sixty (60) days of the date of mailing of the Final Order and, (2) failure to comply with the terms set forth in this Stipulation shall result in a revocation or continued revocation of all licenses or registrations of Respondent or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance. Mr. Plagens seconded and the motion passed unanimously.

Linda Lee Kantz, Associate Broker, License No. 6502-127066, Complaint No. 6502-279900, Former No. 68387

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondent shall pay a fine in the amount of \$250 within sixty (60)

days of the date of the mailing of the Final Order, (2) Respondent currently serves as a signatory on her own or another broker's trust account, she shall submit to the Department of Energy, Labor & Economic Growth Certified Public Accountant Attestation Report(s) prepared by a CPA licensed in Michigan for the specified periods of time giving an opinion as to whether Respondents have deviated from the requirements of the Occupational Code or the Rules promulgated thereunder, using the Attestation Report format approved by the Bureau of Commercial Services, Administrative Services Division. Respondent is responsible for all costs associated with the preparation of the CPA Attestation Report(s). The Report(s) shall include the period of time beginning on January 1, 2009, and ending six (6) months after the date of the Final Order in this matter. The Report(s) shall be submitted within sixty (60) days of the end date of the reporting period to the address listed in Paragraph 6. Respondent agrees that if the Department determines that the CPA Attestation Report(s) is not acceptable, then the Department may request that Respondents prepare and submit a second CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for an additional six (6) months. If the Department requests a Second Attestation Report, it shall be submitted within sixty (60) days of the end date of the reporting period (3) if Respondent does not serve as a signatory to any real estate trust account, then she shall supply written proof from her employing broker of this fact within sixty (60) days of the date of mailing of the Final Order in this matter and, (4) failure to comply with the terms of this Stipulation shall result in the suspension or continued suspension of all licenses or registrations of Respondents or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance. Mr. Plagens seconded and the motion passed unanimously.

Versailles Investment Properties Ltd D/B/A VIP Realty, Broker, License No. 6505-234218, Complaint No. 6502-183900, Former No. 68205 and Nicole Gourand, Associate Broker, License No. 6502-135279, Complaint No. 65-02-3397-00, Former No. 68504

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondents shall pay a fine in the amount of \$750 within sixty (60) days of the date of the mailing of the Final Order, (2) Respondents shall submit to the Department of Energy, Labor & Economic Growth Certified Public Accountant Attestation Report(s) prepared by a CPA licensed in Michigan for the specified periods of time giving an opinion as to whether Respondents have deviated from the requirements of the Occupational Code or the Rules promulgated thereunder, using the Attestation Report format

approved by the Bureau of Commercial Services, Administrative Services Division. Respondent is responsible for all costs associated with the preparation of the CPA Attestation Report(s). The Report(s) shall include the period of time beginning on May 1, 2002, and ending six (6) months after the date of the Final Order in this matter. The Report(s) shall be submitted within sixty (60) days of the end date of the reporting period to the address listed in Paragraph 6. Respondent agrees that if the Department determines that the CPA Attestation Report(s) is not acceptable, then the Department may request that Respondents prepare and submit a second CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for the six (6) month period of time commencing with the ending date of the First CPA Attestation Report for an additional six (6) months. If the Department requests a Second Attestation Report, it shall be submitted within sixty (60) days of the end date of the reporting period and, (3) failure to comply with the terms set forth in this Stipulation shall result in a suspension or continued suspension of all licenses or registrations of Respondents or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance. Mr. Plagens seconded and the motion passed unanimously.

SK Real Estate & Investment Co., Broker, License No. 6505-276543, Complaint No. 6507-000125, 6507-000207 & 6507-000308, and Selester Kirckwood, License No. 6502-12922, Complaint No. 6507-000206, 6507-000322 & 6507-000324

MOTION: After discussion, Mr. Sellman moved to accept the Stipulation, which stated that (1) Respondents shall jointly or severally pay a \$10,000 fine to the Department within sixty (60) days of the date of the mailing of the Final Order, (2) Respondents shall jointly or severally make restitution in the amount of \$15,000 to Gloria Bailey within sixty (60) day of the date of the mailing of the Final Order, (3) Respondents shall jointly or severally make full restitution as required in an unsatisfied Oakland County Circuit Court Judgment and provide to the Department of Energy, Labor & Economic Growth a Certificate of Complete Satisfaction of Judgement in Oakland County Circuit Court Case No. 07-081142-CZ within sixty (60) days from the date of the mailing of the Final Order, (4) failure to comply with this stipulation agreement by payment of the required fine amount, restitution as required in Oakland County Circuit Court Judgment entered October 31, 2007 in Case No. 07-081142-CZ and restitution as required in the matter of Gloria Baily in the required sixty (60) day time period from the date of the Final Order, Shall Immediately Revoke Respondents S K Real Estate and Investment Co, and Selester Kirkwood's Michigan State Real Estate Brokerage and Associate Brokers License No.s 6502-129922 and 6505-276543, (5) Respondents shall retain a licensed certified public accountant at

Respondents' own expense and shall execute & file with the Department of Energy, Labor & Economic Growth, Independent CPA. Attestation Reports, at the interval of both six (6) months and one (1) year from the mailing date of the Final Order, setting forth, in the attestation reports filed, a complete real estate brokerage trust fund analysis of all residential and commercial real estate funds during the above periods on a single transaction basis, in chronological sequence and identifying the custodial escrow real estate brokerage trust account balance during the two (2) applicable periods and, (6) failure to comply shall immediately revoke respondents S K Real Estate and Investment Co, and Selester Kirkwood's Michigan State Real Estate Brokerage and Associate Brokers License No.s 6502-129922 & 6505-276543. Mr. Plagens seconded and the motion passed unanimously.

HEARING REPORTS

Dorothy J. Hollis, Salesperson, License No. 6501-326687, Complaint No. 6508-000104

MOTION: Mr. Sellman moved to receive the Hearing Report in the matter of Dorothy J. Hollis. Mr. Nwagwu seconded and the motion passed unanimously.

DISCUSSION: Ms. Millben stated the recommendations by the Administrative Law Judge are \$30,000 fine (\$10,000 for each of the three violations), restitution in the satisfaction of civil judgement to David Cade and Starlet Pennington Cade and revocation of all Article 25 licenses. Mr. Lockman stated that this is how the Board can make policy by assessing penalties. Ms. Millben mentioned that the current status of license is "No employer," which means she currently does not have a broker, so she is not active. Mr. Huggler stated that this falls under fraud, deceit, dishonesty in practicing an occupation with penalty of

\$10,000 fine per violation and revocation. Mr. Samson stated in reading this it appears to be serious offenses.

MOTION: After discussion, Mr. Wehner moved that (1) Respondent shall pay a fine in the amount of \$30,000 (\$10,000 for each of the three violations), (2) immediate revocation of all Article 25 licenses upon mailing of the final order and, (3) restitution in the satisfaction of a civil judgment to David Cade and Starlet Pennington Cade. Mr. Plagens seconded and the motion passed unanimously.

Joseph Michael Micallef Jr, Salesperson, License No. 6501-120254, Complaint No. 6505-000285, Former No. 299619

MOTION: Mr. Samson moved to receive the Hearing Report in the matter of Joseph Michael Micallef Jr. Mr. Nwagwu seconded and the motion passed unanimously.

DISCUSSION: Mr. Huggler stated the Administrative Law Judge recommendations to the Board is that they impose sanctions as it deems reasonable for the violations.

MOTION: After discussion, Mr. Samson moved that (1) Respondents shall pay a fine \$1,000 within 90 days of date of mailing of final order and, (2) failure to comply with terms of final order shall result in revocation of Article 25 licenses. Mr. Huston seconded and the motion passed unanimously. Mr. Sellman abstained.

Lawrence M. VanZandt, Associate Broker, License No. 6502-326319, Complaint No. 6507-000118, Former No. 306162

MOTION: Mr. Sellman moved to receive the Hearing Report in the matter of Lawrence M. VanZandt. Mr. Nwagwu seconded and the motion passed unanimously.

DISCUSSION: Mr. Huggler stated Administrative Law Judge recommendation is \$2,000 fine, restitution \$500 and suspension of license. Licensee failed to account for monies coming into his possession and accepted \$500 earnest money deposit and failed to return deposit after transaction was terminated in March 2006.

MOTION: After discussion, Mr. Wehner moved that (1) Respondent shall pay a \$2,000 fine paid within 90 days of date of mailing of final order, (2) restitution of \$500 to Gina Fluker and (3) revocation of Article 25 licenses. Mr. Huston seconded and the motion passed unanimously.

STAFF REPORTS

None.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

Mr. Wehner suggested that the minimum sanctions document be updated. Ms. Millben suggested that a subcommittee be formed to review the documents and bring suggested changes before the Board at the September meeting. Mr. Wehner, Mr. Huggler, Mr. Plagens and Ms. Sutherby-Fricke have been asked to sit on the subcommittee.

AAG MICHAEL LOCKMAN PRESENTATION

Mr. Lockman stated that Ms. Karr requested an orientation for all the Occupational Boards as the statute requires. The Attorney General's (AG) office lawyers are lawyers to all of

State Government, they provide legal services, information, opinions and so forth. Mr. Lockman explained that if the Board has a request for the Attorney General's office it must be made through the Bureau. The AG's Office does not directly represent the Boards or Board Members. The Board would place their request to its Licensing Administrator or Licensing Director; if they are unable to handle the request internally they would submit the request to the AG's office. The AG's office is willing to appear from time to time at Board meetings at the request of the Licensing Director.

Mr. Lockman said that it is vital that the meeting minutes include questions and responses to and from the Board to the petitioner.

NEXT MEETING DATE – September 28, 2009

The next regularly scheduled meeting of the Board of Real Estate Brokers and Salespersons is scheduled for September 28, 2009.

ADJOURNMENT

There being no further business to be brought before the board, the meeting was adjourned at 12:45 p.m.

_____/s/_____
Brian T. Huggler, Chairperson

9/28/09
Date

_____/s/_____
Ann Millben, Licensing Administrator

9/28/09
Date