

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

**BOARD MEETING MINUTES**

June 2, 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 June 2, 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 Vice-Chairperson at 9:35a.m.

|           |                       |                                   |
|-----------|-----------------------|-----------------------------------|
| Present:  | Michael M. Glasson    | Vice-Chairperson                  |
|           | James W. Sellman      | Member                            |
|           | Sheri Sutherby-Fricke | Member                            |
|           | Kyrian Nwagwu         | Member                            |
| Absent:   | Brian Huggler         | Chairperson                       |
|           | Daniel Samson         | Member                            |
| Staff:    | Joyce A. Karr         | Director of Licensing             |
|           | Ann Millben           | Licensing Administrator           |
|           | Lori J. Porubsky      | Assistant Licensing Administrator |
|           | Angela Diro           | Secretary                         |
|           | Stephen Gobbo         | Compliance/Legal                  |
|           | Archie Millben        | Director of Enforcement           |
|           | James Nelson          | Compliance/Legal                  |
|           | Ann Paruk             | Compliance/Legal                  |
|           | Amy Shell             | Policy Analyst                    |
| Visitors: | Jesse Freeman         | Petitioner                        |
|           | Leonard McNabb        | Prudential Ambassador Properties  |
|           | Byron M. Lacey        | Petitioner                        |
|           | Kenneth Mers          | Petitioner                        |
|           | Randy Thompson        | River Country Real Estate         |
|           | Damon Keith Johnson   | Petitioner                        |
|           | Dominic Fairley       | Boardwalk Realty Group LLC        |
|           | Barb Pulice           |                                   |

### **ADDITIONS TO OR DELETIONS FROM AGENDA**

Ms. Millben noted that Petitioner 5E David Capoferi has been moved to be taken up after Stipulation 6F.

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

MOTION: Ms. Sutherby-Fricke moved to approve the minutes from the March 3, 2008, 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 along with his prospective Broker's office manager 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 and grant a two-year limited license. The limitation is that Mr. Freeman continues to be licensed to employing Broker, Prudential Ambassador Properties, for a two year period. Mr. Freeman must also submit a corrected application with this Broker's signature along with a document stating that the Broker understands that he will be responsible and/or supervise Mr. Freeman. Mr. Nwagwu seconded and the motion passed unanimously. The Department concurred.

**Byron M. Lacey**, Salesperson Applicant, Sterling Heights

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

Ms. Millben questioned the name Sadi Smith appearing on some of Mr. Lacey's conviction related documents. Mr. Lacey stated that Sadi Smith was an alias that he had used. Ms. Sutherby-Fricke stated that Mr. Lacey would need a broker who is available to him and willing to take 100% responsibility and/or supervision. Part of the application process is having a Broker available to the applicant. There was a concern that Mr. Lacey's Broker was unable to accompany him to today's meeting and speak on his behalf.

MOTION: After discussion, Ms. Sutherby-Fricke moved to postpone the Petition until the next meeting. The reason for the postponement is so the Petitioner can bring his prospective employing Broker and an updated letter from his probation officer to the next board meeting. Mr. Nwagwu seconded and the motion passed unanimously.

**Kenneth Stanley Mers**, Salesperson Applicant, Grayling

The Board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Mers along with his Broker Mr. Thompson were 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 and grant the Petitioner a five-year limited license. The limitation is that Mr. Mers continue to be licensed to employing Broker, River Country Real Estate, for the five year limitation period. Also for the five year period all earnest money must be handled by the employing Broker. Mr. Glasson seconded and the motion passed unanimously. The Department concurred.

**Damon Keith Johnson**, Salesperson Applicant, Southfield

The Board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Johnson along with his Broker Mr. Fairley were present to discuss his Petition and answer questions.

MOTION: After discussion, Mr. Nwagwu moved to overturn the Department's denial due to the demonstration of good moral character presented and grant the Petitioner a Real Estate Salesperson license. Mr. Sellman seconded and the motion passed unanimously. The Department concurred.

**Alvita L. Jackson**, Broker & Associate Broker Applicant, Detroit

The Board reviewed the Notice of Denial of an Application for a Broker and Associate Broker license. Ms. Jackson was not present.

MOTION: After discussion, Ms. Sutherby-Fricke moved to uphold the Department's denial due to failure to comply with a final order of the Residential Builders and Maintenance and Alterations Contractors Board. Mr. Sellman seconded and the motion passed unanimously. The Department concurred.

## **STIPULATIONS**

### **Richard J. Pinner, Salesperson, License No. 6501-322310, Complaint No. 6506-000097, Former No. 302306**

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent's license shall be revoked effective the date of issuance of the Final Order, (2) Respondent shall not submit an application for licensure, relicensure, reinstatement or renewal for at least three years after the service date of the final order. Mr. Sellman seconded and the motion passed unanimously.

### **Martin Lynn Davidson, Salesperson, License No. 6501-267717, Complaint No. 6507-000357, Former No. 307595**

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$500.00 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 until Respondent complies in full with the terms set forth in the Final Order issued by the Michigan Residential Builders and Maintenance and Alteration Contractors Board associated with complaint number 301988. That fined Mr. Davidson \$2,000.00. Respondent shall submit proof of compliance and (3) failure to comply with the terms of this Stipulation shall result in the revocation 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.

### **Charles Snip, Salesperson, License No. 6501-332304, Complaint No. 302838, Docket No. 2007-1007**

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$500.00 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) Respondent shall pay within 270 days of the date of mailing of the Final Order in this matter fines totaling \$10,000.00 to the State of Michigan as ordered by Michigan Board of Residential Builders and Maintenance and Alteration Contractors in Complaint Nos. 93045 and 93047, (3) failure to comply with the terms of this Stipulation in regards to the payment of the \$500.00 fine within 60 days 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, (4)

failure to comply with the terms of this Stipulation in regards to the payment of the \$10,000.00 fine within 270 days shall result in the increase of fine in the amount of \$2,000.00 and 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 unanimously.

**Lynn A. Metcalf, Salesperson, License No. 6501-253066, Complaint No. 6505-000717, Former No. 301819**

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$250.00 fine to the Department within 60 days of the date of the mailing of the Final Order, (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.

**Jamie Marie Sweeney, Salesperson, License No. 6501-299932, Complaint No. 6506-000086, Former No. 302273**

MOTION: After discussion, Mr. Nwagwu moved to accept the Stipulation that (1) Respondent shall pay a \$7000.00 fine to the Department within 60 days of the date of the mailing of the Final Order, (2) Respondent shall serve a three year period of probation starting on the date of mailing of the Final Order in this matter. During which the Respondent may not transfer her Real Estate Salesperson license to another licensed real estate broker without petitioning for the approval of the Board of Real Estate Brokers and Salespersons to do so. Respondent shall also demonstrate that she has informed her employing broker in writing of the nature of the terms of this Stipulation, (3) failure to comply with the terms of this Stipulation within 60 days of the date of mailing 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 and (4) failure to comply with the terms of this Stipulation within 6 months of the date of mailing shall result in the 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. Ms. Sutherby-Fricke abstained.

**David Cameron Capoferi, Salesperson, License No. 6501-256570, Complaint No. 6506-000061, Former No. 302180**

MOTION: After discussion, Mr. Nwagwu moved to accept the Stipulation, which stated that (1) Respondent shall pay a \$10,000.00 fine to the Department within 60 days of the date of the mailing of the Final Order, (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, (3) With the acceptance of this Stipulation by the Board shall resolve the Department's denial of Respondent's relicensure application. Department shall issue Respondent's license. Mr. Glasson seconded and the motion passed unanimously. Ms. Sutherby-Fricke abstained.

With the approval by the Board of this Stipulation, Mr. Capoferi's Petition for Review item 5E on the agenda has been removed.

**HEARING REPORTS**

**Edward A. Neering, Associate Broker, License No. 6502-1076359, Complaint No. 6506-000424, Former No. 303804, Docket No. 2008-89**

MOTION: Mr. Sellman moved to receive the Hearing Report in the matter of Edward A. Neering. Mr. Nwagwu seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$5,000.00 civil fine payable within 60 days of the date of mailing of the Final Order, (2) Respondent shall pay \$6,510.00 restitution to Chauncy Green within 60 days of the date of mailing of the Final Order, (3) Respondent's license shall be suspended immediately on the date of the mailing of the Final Order and (4) Failure of Respondent to pay civil fine and restitution within 90 days of the issuance of the Final Order, Respondent's licenses will be revoked. Mr. Nwagwu seconded and the motion passed unanimously.

**Edward Neering Group LLC, Broker, License No. 6505-309397, Complaint No. 303805, Docket No. 2008-89**

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Edward Neering Group LLC. Mr. Nwagwu seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$2,000.00 civil fine payable within 60 days of the date of mailing of the Final Order, (2) Respondent shall pay a \$6,510.00 restitution payable within 60 days of the date of mailing of the Final Order (3) Respondent's license shall be suspended immediately on the date of the mailing of the Final Order and (4) Failure of Respondent to pay civil fine and restitution to Chauncy Green within 90 days of the issuance of the Boards Penalty Order, Respondent's licenses will be revoked. Mr. Sellman seconded and the motion passed unanimously.

**Gerald H. Martis, Associate Broker, License No. 6502-000116, Complaint No. 6507-000116, Docket No. 2007-1464**

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Gerald H. Martis. 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 pay a fine of \$10,000.00 within 60 days of the date of mailing of the Final Order, (3) Respondent shall pay restitution of \$7,950.00 to Barbara Wagner 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.

**Abraham Realty Company, Broker, License No. 6505-033775, Complaint No. 6506-000565, Former No. 304342, Docket No. 2007-1207**

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Abraham Realty Company. 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 pay a \$10,000.00 fine within 60 days of the date of mailing of the Final Order, (3) Respondent shall pay restitution of \$7,950.00

to Barbara Wagner 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.

**Charles George Mady Salesperson, License No. 6501-259604, Complaint No. 6505-000007, Former No. 297947, Docket No. 2007-1321**

MOTION: Mr. Nwagwu moved to receive the Hearing Report in the matter of Charles George Mady. Ms. Sutherby-Fricke seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$5,000.00 fine within 60 days of the date of mailing of the Final Order, (2) Immediate revocation of Respondent's license, (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. Sellman seconded and the motion passed unanimously.

**Charles George Mady Associate Broker, License No. 6502-108323, Complaint No. 6506-000143, Former No. 302482, Docket No. 2007-1322**

MOTION: Mr. Nwagwu moved to receive the Hearing Report in the matter of Charles George Mady. Ms. Sutherby-Fricke seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$5,000.00 fine within 60 days of the date of mailing of the Final Order, (2) Immediate revocation of Respondent's license, (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. Sellman seconded and the motion passed unanimously.

**Glenn Stevenson Jr. Salesperson, License No. 6501-338024, Complaint No. 6506-000278, Former No. 303074, Docket No. 2007-902**

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Glenn Stevenson Jr. Mr. Sellman seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$4,000.00 fine within 90 days of the date of mailing of the Final Order (\$2,000.00 for each of the two violations), (2) Immediate suspension of Respondent’s license for 90 days effective the date of mailing of the Final Order and (3) Failure of Respondent to pay civil fine within 90 days of the issuance of the Boards Penalty Order, Respondent’s licenses will be revoked. Mr. Glasson seconded and the motion passed. Mr. Nwagwu voted no.

**STAFF REPORTS**

**Legislative Report**

Amy Shell distributed a legislative report and drew the Board’s attention to HB4416, HB4417 and Senate Bill No. 1354. Board reviewed the reports with minimal questions. Ms. Millben announced that Ms. Shell has accepted another position with the Department of Community Health.

**ITEMS FOR CONSIDERATION FROM BOARD MEMBERS**

None.

**NEXT MEETING DATE – September 22, 2008**

The next regularly scheduled meeting of the Board of Real Estate Brokers and Salespersons is scheduled for September 22, 2008.

