

**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
September 28, 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 September 28, 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 9:30 a.m.

Present:	Brian T. Huggler	Chairperson
	Kyrian Nwagwu	Vice-Chairperson
	James W. Sellman	Member
	Sheri Sutherby-Fricke	Member
	Shawn Huston	Member
	Kevin J. Plagens	Member
Absent:	Daniel Samson	Member
	Michael Glasson	Member
	Mark J. Wehner	Member
Staff:	Joyce Karr	Director of Licensing
	Ann Millben	Licensing Administrator
	Lori J. Porubsky	Assistant Licensing Administrator
	Angela Diro	Secretary
	William Wilhelm	Compliance/Legal
	Ann Paruk	Compliance/Legal
	Yvette Robinson	Compliance/Legal
	Sue Sherman	Testing, Education & Program Services
	Foye Longworth	Testing, Education & Program Services
Visitors:	Robert Spendal	Petitioner
	Clinton Van Nocker	Petitioner
	Andrew Abood	Attorney for Petitioner Van Nocker
	Christopher Russell	Petitioner
	Rabih Bazy	Petitioner
	Marlen McKay	Petitioner
	Troy Biesiada	Petitioner
	Selester Kirkwood	Petitioner

Darrell Littleworth	Petitioner
Daicia Smith	Reference for Petitioner Littleworth
Mark Huston	Huston Real Estate
Sally Bell	Macomb School of Real Estate
Barbara Pulice	

ADDITIONS TO OR DELETIONS FROM AGENDA

Ms. Millben informed the Board of additional items for review in their folders and the addition to the agenda of Petitioner 51 Michael Bell. Also requested to move item 4. Public Comment after item 9. Items For Consideration From Board Members.

APPROVAL OF THE MINUTES FROM THE MEETING HELD June 1, 2009

MOTION: Mr. Nwagwu moved to approve the minutes from the June 1, 2009, meeting. Mr. Sellman seconded and the motion passed unanimously.

PETITIONS

Robert Spendal, Salesperson Applicant, Livonia

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

DISCUSSION: Mr. Huggler stated that Mr. Spendal was denied a license citing his lack of good moral character stemming from incidents from 2001-2006. Mr. Spendal stated that the issues were mostly traffic and misdemeanors and that he was not on probation. Mr. Nwagwu asked Mr. Spendal to explain the incident in October 2001. Mr. Spendal replied that he felt the incident was questionable and a misunderstanding. Mr. Huggler asked if a letter of support had been received from his prospective employing broker. Mr. Spendal stated that he was unable to obtain a letter of support from a broker. Mr. Huggler asked who would hold his license. Mr. Spendal replied that it would depend on the outcome of the test. Ms. Sutherby-Fricke asked why he was interested in real estate. Mr. Spendal replied that he has a bachelor's degree in interior design and that having a real estate license would be a feather in his cap. Mr. Plagens asked how do you plan to benefit the real estate profession. Mr. Spendal replied by assisting homeowners and lenders.

MOTION: After discussion, Mr. Huston moved to recommend upholding 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. Ms. Sutherby-Fricke seconded and the motion passed unanimously. The Department concurred.

Clinton Van Nocker, Associate Broker Applicant, Lansing

The Board reviewed the Notice of Denial of an Application for an associate broker's license. Mr. Van Nocker and his attorney Mr. Abood were present to discuss his Petition and answer questions.

DISCUSSION: Mr. Huggler stated that Mr. Van Nocker was denied a license citing his lack of good moral character from an incident in 2000. Mr. Van Nocker stated that he deserves the license on the basis that he was licensed in 2004 and has done nothing since that would affect it adversely. Ms. Millben stated that the 2004 license issuance was an error. Mr. Huston asked Mr. Van Nocker if he felt the incident in 2000 had an effect on his handling the public's money. Mr. Van Nocker replied no. Mr. Abood stated that since 2000 Mr. Van Nocker has not had any complaints or problems, whether or not the 2004 license was issued in error. The issue was with the Federal Government and Mr. Van Nocker has a long history with the public without experiencing problems. Mr. Sellman asked what the 1993 disciplinary action was on Mr. Van Nocker's license. Mr. Van Nocker replied that it was due to an audit of my trust accounts as a property manager. The tenant's check came back NSF. No one complained. It was a routine audit of the account. Rather than fight it, he just paid the fine.

MOTION: After discussion, Ms. Sutherby-Fricke moved to recommend upholding 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. Huston 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 and his prospective broker were present to discuss his Petition and answer questions.

DISCUSSION: Mr. Huggler stated that Mr. Bazy was denied a license citing his lack of good moral character stemming from an incident in 2008. The broker stated he has known

Mr. Bazy and his family since approximately 1990 and that Mr. Bazy experienced a situation when he was young, but that he's just a person who made a serious mistake and has learned from it. He feels that Mr. Bazy is not a threat to the real estate profession or the public. Mr. Huggler asked if he would be Mr. Bazy's supervisor. Broker replied yes.

MOTION: After discussion, Ms. Sutherby-Fricke moved to recommend overturning the department's denial due to evidence of rehabilitation presented and grant a three (3) year limited license. This will be contingent upon Mr. Bazy passing of the Real Estate exam. The limitations are that 1) Mr. Bazy continues to be licensed to his employing broker for a three (3) year period, 2) Mr. Bazy is not to handle earnest money for that three (3) year period, 3) if broker severs relationship by returning the wall license to the Department, this license will be suspended immediately, 4) this limitation will remain in effect for three (3) years, during which time any violation of the law and rules and/or any formal complaint filed against him will result in immediate suspension and 5) by accepting this limitation, the broker is agreeing to inform the Department of any violations Mr. Bazy may commit. Mr. Nwagwu seconded and the motion passed unanimously. Department concurred.

Christopher Russell, Salesperson Transfer Applicant, Detroit

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

DISCUSSION: Mr. Huggler asked if Mr. Russell had any problems with current broker. Mr. Russell replied no, the Broker had decided to go in a different direction.

MOTION: After discussion, Ms. Sutherby-Fricke moved to recommend approval of transfer and continuation of limitations and grant a one (1) year limited license. The limitations are that 1) Mr. Russell continues to be licensed to employing broker, SLA Professional Realty, ID No. 6505-343991; Associate Broker Deborah Johnson, ID No. 6502-344823 for a (1) year period, 2) if broker severs relationship by returning the wall license to the Department, this license will be suspended immediately, 3) this limitation will remain in effect for one (1) year, 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 Mr. Russell may commit. Mr. Nwagwu seconded and the motion passed unanimously. Department concurred.

Marlen McKay Salesperson Relicensure Applicant, Inkster

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

DISCUSSION: Mr. Huggler stated that Mr. McKay was denied a license citing his lack of good moral character stemming from incidents 1999-2008. Mr. McKay stated that he made bad decisions but is trying to get his life back in order and he now has a family to support. Mr. Huggler asked if he was currently employed. Mr. McKay replied yes, he works for a towing company. Mr. McKay stated that he has a new broker that is willing to employ him and presented the Board with a letter of support from Earl Keim Realty Will Cooperate Inc. d/b/a Red Carpet Keim Will Cooperate Inc. Mr. Huston asked Mr. McKay to explain the 2005 incident. Mr. McKay replied that his potential employing broker has knowledge of the incident and items from incident were in his home and he would not inform the police of who was involved so he was convicted. Mr. McKay stated probation could be extended due to money owed for restitution from the 2005 incident and that he is unable to pay at this time.

MOTION: After discussion, Mr. Huston moved to recommend overturning the department's denial due to evidence of rehabilitation presented and grant a five (5) year limited license. The limitations are that 1) Mr. McKay continues to be licensed to employing broker, Earl Keim Realty Will Cooperate Inc., d/b/a Red Carpet Keim Will Cooperate Inc, ID No. 6505204087; Associate Broker, Willie Williams, ID No. 6502-111343 for a five (5) year period, 2) Mr. McKay is not to handle earnest money for that five (5) year period, 3) if broker severs relationship by returning the wall license to the Department, the license will be suspended immediately, 4) this limitation will remain in effect for five (5) years, during which time any violation of the law and rules and/or any formal complaint filed against him will result in immediate suspension and 5) by accepting this limitation, the broker is agreeing to inform the Department of any violations Mr. McKay may commit. Ms. Sutherby-Fricke seconded and the motion passed unanimously. Department concurred.

Troy Biesiada Salesperson Applicant, Hesperia

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

DISCUSSION: Mr. Huggler stated that Mr. Biesiada was denied a license citing his lack of good moral character stemming from incidents from 1993-2004. Mr. Biesiada stated that he ran wild during his teenage years. But in the last 5 years he has relocated to a new town, completed all requirements of probation and was introduced to the real estate profession about two years ago when he started to manufacture signs for agents.

MOTION: After discussion, Ms. Sutherby-Fricke moved to recommend overturning the department's denial due to evidence of rehabilitation presented and grant a two (2) year limited license. This will be contingent upon Mr. Biesiada submitting a letter of support from Greenridge Realty Inc. within 30 days and passing of the Real Estate exam. The limitations are that 1) Mr. Biesiada continues to be licensed to employing broker, Greenridge Realty Inc., ID No. 6505-179283, for a two (2) year period, 2) if this broker severs this relationship by returning the wall license to the Department, this license will be suspended immediately, 3) this limitation will remain in effect for two years, 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. Huston seconded and the motion passed unanimously. Department concurred.

Selester Kirkwood, Final Order Amendment Request, Southfield

The Board reviewed the Request for Amendment of Final Order. Mr. Kirkwood was present to discuss his request and answer questions.

DISCUSSION: Mr. Kirkwood stated that due to the economy he is unable to pay the fine and restitution but is working on a closing that once completed he will be able to pay. He is asking for two items: 1) to reduce the fine from \$10,000.00 to \$5,000.00 and 2) for a 3 month (90 days) extension. Mr. Plagens asked if any money had been paid toward the fine or restitution. Mr. Kirkwood replied no. Mr. Huggler asked if he was confident the closing would happen. Mr. Kirkwood replied that he had spoken to the mortgage lender and she stated that it would be by November 15, 2009. Ms. Sutherby-Fricke asked at what point are you in the contract. Mr. Kirkwood stated that the sale is under contract, has earnest money, but no appraisals yet. Mr. Huggler asked if the closing falls through, where would you get the money? Mr. Kirkwood replied that he would get it somewhere.

MOTION: After discussion, Ms. Sutherby-Fricke moved to recommend amending the final order allowing for an extension of 3 months (90) days from the date of this meeting. Mr. Plagens seconded and the motion passed unanimously. Department concurred.

Darrel Littleworth, Salesperson Applicant, Ann Arbor

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

DISCUSSION: Mr. Huggler stated that Mr. Littleworth was denied a license citing his lack of good moral character due to incidents from 1992-2002. Mr. Littleworth submitted photos and letters of support. Mr. Huggler asked Mr. Littleworth if he has told his broker about his past. Mr. Littleworth state no, he had not. Mr. Huston asked Mr. Littleworth to explain the incidents in 1997 and 2002. Mr. Littleworth replied that the incident in 1997 was a bar fight that he should have walked away from and the 2002 incident was at a hotel were the kids broke a television, but due to Mr. Littleworth's name being used for the room, he was responsible. Mr. Huston asked are you currently employed. Mr. Littleworth stated yes, part time with a marketing company.

MOTION: After discussion, Ms. Sutherby-Fricke moved to recommend postponement of Mr. Littleworth's petition until the December 7, 2009 Board Meeting to allow Mr. Littleworth to have his prospective Broker present and to submit any additional information that will assist in proving rehabilitation. Mr. Sellman seconded and the motion passed unanimously. The Department concurred.

Michael Bell, Salesperson Transfer Applicant, Harper Woods

The Board reviewed his request to transfer his limited salesperson's license. Mr. Bell was present to discuss his request and answer questions.

DISCUSSION: Mr. Bell stated that he would like to leave his current company for more opportunity for advancement. At his current employer there is no room for advancement or to make a real living, as they are a specialized company.

MOTION: After discussion, Ms. Sutherby-Fricke moved to recommend approval of transfer and continuation of limitations and grant a limited license until March 25, 2011. The limitations are that 1) Mr. Bell continues to be licensed to employing broker, GSA Elite Realty LLC, ID No. 6505-356863; Associate Broker Ron Carpenter, ID No. 6502-356864, until March 25, 2011, 2) if this broker severs this relationship by returning the wall license to the Department, this license will be suspended immediately, 3) this limitation will remain in effect until March 25, 2011, 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 Mr. Bell may commit. Mr. Huston seconded and the motion passed unanimously. Department concurred.

STIPULATIONS

V & M Realty & Management Co. LLC d/b/a Prudential Ambassador Realtors, Broker, License No. 6505-322591, Complaint No. 6507-000487, and William H. Vaughn, Associate Broker, License No. 6502-322592, Complaint No. 6508-000430

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that 1) Respondents shall pay a \$1,000.00 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 \$2,000.00 payable to Jihan Mahmoud 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. Huston seconded and the motion passed unanimously.

Triple Double LLC d/b/a Prudential Ambassador Properties, Broker, License No. 6505-353238, Complaint No. 6508-000565, and William H. Vaughn, Associate Broker, License No. 6502-353239, Complaint No. 6508-000566

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that 1) Respondents shall pay a \$1,000.00 fine to the Department within sixty (60) days of the date of the mailing of the Final Order, 2) 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 3) 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. Huston seconded and the motion passed unanimously.

Lakes Realty LLC, Broker, License No. 6505-286107, Complaint No. 6506-000512, Former No. 304105 and Marshall R. Smith, Associate Broker, License No. 6502-107562, Complaint No. 6508-000716

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that 1) Respondents shall pay a fine in the amount of \$2,500.00 to the Department within sixty (60) days of the date of the mailing of the Final Order, failure to comply with the terms of this Stipulation within sixty (60) days of the date of mailing of the Final Order, then the FINE shall increase to \$5,000.00, 2) Respondents shall file attestation reports semi-annually within 30 days of the cutoff dates of June 30th and December 31st, 3) failure to comply with the terms of the this stipulation within sixty (60) days of the date of mailing of the Final Order 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 is made with the terms of this Stipulation. In addition, if Respondents fail to comply with the terms of this Stipulation within sixty (60) days of the date of mailing of the Final Order, then the FINE shall increase to \$5,000.00 and 4) failure to comply with the terms of the Stipulation within six (6) months of the date of mailing of the Final Order shall result in a revocation or continued revocation 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 is made with the terms of this Stipulation. Mr. Huston seconded and the motion passed unanimously.

Martha Rachelle Drye, Salesperson, License No. 6501-277368, Complaint No. 6508-000655

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 sixty (60) days of the date of the mailing of the Final Order, 2) Respondent's Real Estate Salesperson License No. 6501-277368 shall be Immediately Revoked upon the date of mailing of the Final Order and 3) failure to comply

with the terms of the Stipulation within sixty (60) days of the date of mailing of the Final Order 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 the Stipulation. In addition, if Respondent fails to comply with the terms of the Stipulation within sixty (60) days of the date of mailing of the Final Order, then the FINE shall increase to \$5,000.00. Mr. Huston seconded and the motion passed unanimously.

Howard P. Lee & Associates, Broker, License No. 6505-285213, Complaint No. 6508-000834

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that 1) Respondent shall pay through its President Howard P. Lee Restitution in the amount of \$25,000.00 to Nicholas Kenneth Siracoff within sixty (60) days from the date of the mailing of the Final Order, 2) Respondent shall pay a Fine in the amount of (a) \$4,000.00 if restitution as required is fully paid to Nicholas Kenneth Siracoff within thirty (30) days from the mailing date of the Final Order, (b) \$8,000.00 if restitution as required is not fully paid to Nicholas Kenneth Siracoff by the sixtieth (60th) day from the mailing date of the Final Order, (c) Revocation if restitution as required is paid to Nicholas Kenneth Siracoff after the sixtieth (60th) day from the mailing date of the Final Order and 3) failure to comply in full with the terms and conditions of the Stipulation by non-payment of either of the required fine amount or required restitution amount, within the sixty (60) day period from the mailing date of the Final Order, Respondent's Michigan State Real Estate Broker's License No. 6505-285213, shall be immediately and permanently revoked. Mr. Huston seconded and the motion passed unanimously.

Melinda L. Klopfenstein, Salesperson, License No. 6501-310715, Complaint No. 6508-000544

MOTION: After discussion, Ms. Sutherby-Fricke moved to accept the Stipulation, which stated that 1) Respondent Real Estate Salesperson license shall be suspended for a period of two (2) years, effective the date of mailing of the Final Order, 2) shall pay a \$500.00 fine to the Department within sixty (60) days of the date of the mailing of the Final Order and 3) failure to comply with the terms of this Stipulation shall result in the 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. Huston seconded and the motion passed unanimously.

HEARING REPORTS

Manigault Realty & Associates, Broker, License No. 6505-330556, Complaint No. 6507-000170

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Manigault Realty & Associates. Mr. Nwagwu seconded and the motion passed unanimously.

DISCUSSION: Ms. Millben stated the recommendations by the Administrative Law Judge are a fine in an amount the Board deems appropriate, restitution in the amount of \$1,500.00 to Sybil Vaughn and revocation until such time as the fine and restitution are paid in full.

MOTION: After discussion, Ms. Sutherby-Fricke moved that 1) Respondent shall pay a fine in the amount of \$1,000.00, 2) Respondent shall pay restitution in the amount of \$1,500.00 to Sybil Vaughn and 3) failure to comply within 60 days of the date of the mailing of the final order shall result in suspension of all Article 25 licenses. Mr. Huston seconded and the motion passed unanimously.

Raymond Le Roy Shaw d/b/a Woodward Financial Services, Individual Broker, License No. 6504-084922, Complaint No. 6505-000552

MOTION: Mr. Huston moved to receive the Hearing Report in the matter of Raymond Le Roy Shaw d/b/a Woodward Financial Services. Mr. Nwagwu seconded and the motion passed unanimously. Ms. Sutherby-Fricke abstained.

DISCUSSION: Mr. Huggler stated the Administrative Law Judge recommendations are a fine in the amount of \$500.00 paid within 60 days if not paid within 60 days all Article 25 licenses should be suspended.

MOTION: After discussion, Mr. Huston moved that 1) Respondents shall pay a fine \$2,000 within 60 days of date of mailing of final order and, 2) failure to comply with terms of final order shall result in suspension of Article 25 licenses. Mr. Sellman seconded and the motion passed unanimously. Ms. Sutherby-Fricke abstained.

Mary Ann Farrugia, Associate Broker, License No. 6502-118954, Complaint No. 6505-000623, Former No. 301393

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Mary Ann Farrugia. Mr. Nwagwu seconded and the motion passed unanimously.

DISCUSSION: Mr. Huggler stated Administrative Law Judge recommendations are \$500.00 fine paid within 60 days, probation and certified public attestation report(s).

MOTION: After discussion, Ms. Sutherby-Fricke moved that 1) Respondent shall pay a \$1,000.00 fine paid within 60 days of date of mailing of final order and 2) failure to comply with the terms of the final order shall result in suspension of Article 25 licenses. Mr. Sellman seconded and the motion passed unanimously.

Anthony Farrugia, Associate Broker, License No. 6502-112183, Complaint No. 6505-000622, Former No. 301392

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

DISCUSSION: Mr. Huggler stated Administrative Law Judge recommendations are \$500.00 fine paid within 60 days, probation and certified public attestation report(s).

MOTION: After discussion, Ms. Sutherby-Fricke moved that 1) Respondent shall pay a \$1,000.00 fine paid within 60 days of date of mailing of final order and 2) failure to comply with the terms of the final order shall result in suspension of Article 25 licenses. Mr. Sellman seconded and the motion passed unanimously.

Lawrence M. VanZandt, Associate Broker, License No. 6502-326319, Complaint No. 6506-000658

MOTION: Ms. Sutherby-Fricke 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 are a fine deemed appropriate by the Board, restitution of \$1,950.00 paid to Eleni Kiousis and revocation of license.

MOTION: After discussion, Ms. Sutherby-Fricke moved that 1) Respondent shall pay a \$2,500.00 fine paid within 60 days of date of mailing of final order, 2) Respondent shall pay \$1,950.00 restitution to Eleni Kiouis within 60 days of the mailing of the final order and 3) revocation of license. Mr. Huston seconded and the motion passed unanimously.

Lawrence M. VanZandt, Associate Broker, License No. 6502-326319, Complaint No. 6506-000657

MOTION: Ms. Sutherby-Fricke 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 are a fine deemed appropriate by the Board, restitution of \$1,000.00 paid to Donna Farner and William Ayers and revocation of license.

MOTION: After discussion, Ms. Sutherby-Fricke moved that 1) Respondent shall pay a \$2,500.00 fine paid within 60 days of date of mailing of final order, 2) Respondent shall pay \$1,000.00 restitution to Donna Farner and William Ayers within 60 days of the mailing of the final order and 3) revocation of license. Mr. Huston seconded and the motion passed unanimously.

Michigan Great Lakes Properties Inc., Broker, License No. 6505-326318, Complaint No. 6506-000367

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Michigan Great Lakes Properties Inc. Mr. Nwagwu seconded and the motion passed unanimously.

DISCUSSION: Mr. Huggler stated Administrative Law Judge recommendation are a fine deemed appropriate by the Board, restitution of \$1,000.00 paid to Donna Farner and William Ayers and revocation of license.

MOTION: After discussion, Ms. Sutherby-Fricke moved that 1) Respondent shall pay a \$2,500.00 fine paid within 60 days of date of mailing of final order, 2) Respondent shall pay \$1,000.00 restitution to Donna Farner and William Ayers within 60 days of the mailing of the final order and 3) revocation of license. Mr. Huston seconded and the motion passed unanimously.

Michigan Great Lakes Properties Inc., Broker, License No. 6505-326318, Complaint No. 6506-000399

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Michigan Great Lakes Properties Inc. Mr. Nwagwu seconded and the motion passed unanimously.

DISCUSSION: Mr. Huggler stated Administrative Law Judge recommendation are a fine deemed appropriate by the Board, restitution of \$1,950.00 paid to Eleni Kiousis and revocation of license.

MOTION: After discussion, Ms. Sutherby-Fricke moved that 1) Respondent shall pay a \$2,500.00 fine paid within 60 days of date of mailing of final order, 2) Respondent shall pay \$1,950.00 restitution to Eleni Kiousis within 60 days of the mailing of the final order and 3) revocation of license. Mr. Huston seconded and the motion passed unanimously.

Ezekiel Zamario Davis, Salesperson, License No. 6501-323885, Complaint No. 6508-000169

MOTION: Mr. Huston moved to receive the Hearing Report in the matter of Ezekiel Zamario Davis. Mr. Nwagwu seconded and the motion passed unanimously. Ms. Sutherby-Fricke abstained.

DISCUSSION: Mr. Huggler stated Administrative Law Judge recommendation are \$5,000.00 fine paid within 60 days of the mailing of the final order, revocation of license and if fine is not paid within 60 days fine shall increase to \$10,000.00.

MOTION: After discussion, Mr. Huston moved that 1) Respondent shall pay a \$5,000.00 fine paid within 60 days of date of mailing of final order, 2) failure to pay fine within 60 days shall result in an increase of fine to \$10,000.00 and 3) revocation of license. Mr. Sellman seconded and the motion passed unanimously. Ms. Sutherby-Fricke abstained.

STAFF REPORTS

Testing, Education & Program Services Unit

Mr. Longworth explained that there were changes to the National portion of the real estate salesperson and broker examination. PSI did a job analysis comparison and there was not much change, the totals still equal 80 and the passing score is 75%. These changes will

Requested Statistics

Ms. Millben provided the Board with statistics regarding Real Estate Renewals: 71,937 were placed in renewal and at this time 15,233 renewal applications have been received.

Ms. Millben also provided the Board with statistics that they had requested at the June Board Meeting regarding the number of petitioners whose denials were overturn, how many have taken the exam, passed the exam and been issued a license. Of the 14 Petitioners whose denials were overturned: 8 received licenses, 3 have not taken the exam, 2 have taken the exam once and failed and 1 has taken the exam twice and failed both times.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

Minimum Sanctions

Mr. Huggler stated that at the June Board Meeting a sub-committee was formed to create a proposed minimum sanctions document to present to the Board at the September meeting and the Board Members should have received that document for their review.

MOTION: Ms. Sutherby-Fricke moved to accept the Proposed Minimum Sanction changes. Mr. Huston seconded and the motion passed unanimously.

PUBLIC COMMENT

Ms. Millben read a letter submitted to the Department by Ms. Bailey commenting on Mr. Kirkwood's request to revise his Final Order.

NEXT MEETING DATE – December 7, 2009

The next regularly scheduled meeting of the Board of Real Estate Brokers and Salespersons is scheduled for December 7, 2009. Board Members requested to try an reschedule the December meeting due to a scheduling conflict. Ms. Millben stated that the Department will look into the available dates for rescheduling.

ADJOURNMENT

There being no further business to be brought before the board, the meeting was adjourned at 12:17 p.m.

