

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

BOARD MEETING MINUTES

December 3, 2007, 9:30 a.m.

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Real Estate Brokers and Salespersons met in Regular Session on December 3, 2007 at the Department of Labor & Economic Growth, Bureau of Commercial Services, First Floor, Conference Room 3, 2501 Woodlake Circle, Okemos, Michigan 48864.

CALL TO ORDER

The business meeting was called to order by Vice-Chairperson Glasson at 9:30 a.m.

Present:	Michael M. Glasson	Vice-Chairperson
	Daniel C. Samson	Member
	Kyrian Nwagwu	Member
	James W. Sellman	Member
	Sheri Sutherby-Fricke	Member
Absent:	Brian T. Huggler	Chairperson
Staff:	Jean M. Boven	Director of Licensing
	Lori J. Porubsky	Assistant Licensing Administrator
	Diane Otis	Assistant Licensing Administrator
	Michelle Stevens	Licensing Technician
	Rita Burnett	Secretary
	Amy A. Shell	Policy Analyst
	Michele E. Riddering	Program Analyst
	Stephen Gobbo	Compliance/Legal Unit, Manager
	James Nelson	Compliance/Legal Unit
	Ann Paruk	Compliance/Legal Unit
Visitors:	Judy Bolhuis	Visitor
	Michael J. Doyle	Visitor
	Barbara Pulice	Briarwood
	Jerry Holloway	Holloway's Real Estate Institute
	Darlene Holloway	Holloway's Real Estate Institute
	Andrea Bates	Michigan Association of Realtors®
	Cheryl Marie Warren	Petitioner
	Joseph Manuel	Broker for Petitioner Warren

Toriano Andre Abrams	Petitioner
Suzanne O'Brien	Broker for Petitioner Abrams
Dana Marie Lamphier	Petitioner
Greg Herman	Friend of Petitioner Lamphier
Garland L. Hardeman	Petitioner
Michael Alan Bell	Petitioner
Jennifer Lynn O'Berry	Petitioner
John LaFontaine	Broker for Petitioner O'Berry

ADDITIONS TO OR DELETIONS FROM AGENDA

Mr. Glasson noted that Petitioner Jennifer Lynn O'Berry, 5F, was being added to the agenda.

APPROVAL OF THE MINUTES FROM THE MEETING HELD SEPTEMBER 24, 2007

MOTION: Mr. Sellman moved to approve the minutes from the September 24, 2007 meeting. Mr. Nwagwu seconded and the motion passed unanimously.

PUBLIC COMMENT

None.

PETITIONS

Cheryl Marie Curran Warren, salesperson, Northville

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

MOTION: After discussion, Mr. Nwagwu moved to postpone the Petition until the next meeting to give the Petitioner an opportunity to bring further documentation to substantiate evidence of good moral character. Ms. Sutherby-Fricke seconded and the motion passed unanimously.

Toriano Andre Abrams, Salesperson Applicant, Detroit

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

MOTION: After discussion, Ms. Sutherby-Fricke moved to overturn the Department's denial due to the evidence of rehabilitation presented and grant the Petitioner a limited license. The limitations are that: (1) he must remain licensed to the broker: Real Estate One, Inc., ID No. 6505-081149, with associate broker Suzanne O'Brien, ID No. 6502-340471, (2) if this broker severs this relationship by returning the wall license to the Department, the license will be suspended immediately, (3) this limitation will remain in effect for five years, from September 24, 2007 until September 23, 2012, during which time the limited licensee shall have no access to client's funds, (4) during the period of limitation 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 he may commit. Mr. Sellman seconded and the motion passed unanimously.

Dana Marie Lamphier

The Board reviewed the Notice of Denial of an Application for an associate broker's license. Ms. Lamphier was present to discuss her petition and answer questions.

MOTION: After discussion, Mr. Nwagwu moved to uphold the Department's denial in that the Petitioner did not demonstrate to the satisfaction of the Board and the Department that she meets the licensing requirements for experience in the real estate industry. Ms. Sutherby-Fricke seconded and the motion passed unanimously.

Garland Lucas Hardeman, Salesperson Applicant, Detroit

The board reviewed the Notice of Denial of an Application for a salesperson's license. Mr. Hardeman 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 him a limited license, contingent on a letter from his broker being received by the Department within 60 days of the date of the board meeting agreeing to supervise his transactions during the three-year period of limitation. The limitations are that: (1) he must remain licensed to the broker: Curtis Botsford Real Estate, LLC, ID No. 6505-312114, with associate broker David Botsford, ID No. 6502-138802, who agrees to supervise all transactions of the Petitioner during the limitation period, (2) if this broker severs this relationship by returning the wall license to the Department, the limited license will be suspended immediately, (3) this limitation will remain in effect for three years, from December 3, 2007 until December 2, 2010, 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 he may commit. Mr. Nwagwu seconded and the motion passed unanimously. The Department concurred.

Michael Allen Bell, Salesperson Applicant, Harper Woods

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

MOTION: After discussion, Ms. Sutherby-Fricke moved to uphold the Department's denial in that (1) the activity was reasonably related to the practice of real estate, (2) sufficient evidence of rehabilitation was not presented, and (3) the consequences and nature of the offense distinctly bears upon the ability to deal with the public in a fair, honest and open manner. Mr. Nwagwu seconded and the motion passed unanimously. The Department concurred.

Jennifer Lynn O'Berry, Salesperson Applicant, Clarkston

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

MOTION: After discussion, Mr. Nwagwu moved to overturn the Department's denial due to the evidence of rehabilitation presented and grant the Petitioner a limited license. The limitations are that: (1) she must remain licensed to the broker: Help-U-Sell of North Oakland, ID No. 6505-286743, with associate broker John LaFontaine, ID No. 6502-137050, (2) if this broker severs this relationship by returning the wall license to the Department, the license will be suspended immediately, (3) this limitation will remain in effect for five years, from December 3, 2007 until December 2, 2010, during which time the limited licensee shall have no access to client's funds, (4) during the period of limitation any violation of the law and rules and/or any formal complaint filed against her will result in immediate suspension and (5) by accepting this limitation, the broker is agreeing to inform the Department of any violations she may commit. Ms. Sutherby-Fricke seconded and the motion passed unanimously. The Department concurred.

HEARING REPORTS

William H. Wisswell, Salesperson, License No. 6501-253220, Complaint No. 299354, Docket No. 2007-812

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of William H. Wisswell. Mr. Sellman seconded and the motion passed unanimously.

MOTION: After discussion, Ms. Sutherby-Fricke moved that (1) Respondent shall pay a \$10,000 fine within 60 days of the date of mailing of the Final Order, (2) Respondent's license shall be revoked immediately on the date of the mailing of the Final Order and (3) 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. Nwagwu seconded and the motion passed unanimously.

Deena P. Tansil, Salesperson, License No. 6501-298839, Complaint No. 302146, Docket No. 2007-1204

MOTION: Ms. Sutherby-Fricke moved to receive the Hearing Report in the matter of Deena P. Tansil. Mr. Sellman seconded and the motion passed unanimously.

MOTION: After discussion, Mr. Sampson moved that (1) Respondent shall pay a \$5,000 fine within 60 days of the date of the mailing of the Final Order, (2) Respondent shall provide to the Department proof of payment of the \$10,000 restitution within 60 days of the date of the mailing of the Final Order, (3) Respondent's license shall be revoked immediately on the date of the mailing of the Final Order and (4) Respondent must abide by Rule 215, which states "A person whose license has been revoked shall not apply for a new license for at least 3 years after the service of the final order. To be considered for a license following a revocation, an applicant shall meet all educational and examination requirements in effect at the time of application. Credit for education, examinations, or experience obtained before the revocation shall not be granted." Mr. Sellman seconded and the motion passed. Ms. Sutherby-Fricke abstained.

STAFF REPORTS

Legislative Report

Ms. Shell distributed a spreadsheet of legislative activity for the 2007-2008 period that might have an effect on real estate licensing, testing or in real estate practice to board members. She noted that due to the budget issues that the legislators had been working on, there was not much movement on other legislation. She added that she would update board members at the March meeting.

iCOLA Application Process and On-site Licensure

Department staff made a presentation of the new online licensing process and answered board members questions regarding the salesperson's and the broker's automated license application processes.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

Ms. Otis stated that the Department was considering the possibility of having the board packets scanned and emailed to the board members, rather than having them copied and mailed. If the board members wished to have a printed copy, they could print it at their home or office. If they had a laptop, they could bring their laptop to the meeting with the board packet on it and access the information that way. Board members were interested, but no decision was offered in the way of a motion.

ELECTION OF OFFICERS

MOTION: Ms. Sutherby-Fricke moved to retain the existing slate of officers for the next year. Mr. Sampson seconded and the motion passed unanimously. The officers for 2008 are Brian T. Huggler as Chairperson and Michael M. Glasson as Vice-Chairperson.

NEXT MEETING DATE – MARCH 3, 2008

The next regularly scheduled meeting of the Board of Real Estate Brokers and Salespersons is scheduled for March 3, 2008.

ADJOURNMENT

There being no further business to be brought before the board, the meeting was adjourned at 1:10 p.m.

Brian T. Huggler, Chairperson

Date

Ann Millben, Licensing Administrator

Date