

MINUTES OF MEETING
OF
LOUISIANA REAL ESTATE COMMISSION
DECEMBER 18, 2008

The Louisiana Real Estate Commission held its regular business meeting on Thursday, December 18, 2008, (following the adjudicatory proceeding), at 9071 Interline Avenue, Baton Rouge, Louisiana, according to regular call, of which all members of the Commission were duly notified, at which meeting the following members were present:

COMMISSION

Gretchen Ezernack, Chairman
Cynthia Stafford, Vice Chairman
Judy Songy, Secretary
Mike Bono
Pat Caffery
Tim Flavin
Jennifer Lanasa
Frank Trapani

STAFF

J. C. Willie, Executive Director
Arlene C. Edwards, Legal Counsel
Stephanie Boudreaux
Mark Gremillion
Ann Major
R. C. McCormick
Terry Shirley
Marsha Stafford
Malissa Wright

GUESTS

Burk Baker
Daniel Gentry
Patricia Harrel

Keitha Avant, member, was unable to attend the meeting.

Commissioner Flavin gave the invocation; Commissioner Caffery led the Pledge of Allegiance.

Commissioner Trapani made motion, seconded by Commissioner Songy, to approve the Minutes of Meeting of November 20, 2008, as written and circulated. Motion passed without objection.

INVESTIGATIVE MATTERS:

1. Personal Appearances:

- a. Daniel Gentry - Mr. Gentry appeared before the LREC in connection with his request to sit for the real estate sales exam.
On January 7, 2002, Mr. Gentry pled guilty to Possession of Stolen Property over \$500.00 and Burglary. He was sentenced to three years at hard labor. This sentence was suspended, and he was placed on three years of active probation. He was also ordered to pay restitution in the amount of \$4,200. Mr. Gentry successfully completed the terms of his probation on February 10, 2005, and filed motion for expungement.

Mr. Gentry addressed the Commission admitting responsibility for his actions, and stating he feels he has paid his debt to society. Since his conviction, Mr. Gentry feels he has reformed himself into a law abiding citizen. He has earned two degrees - Bachelor and Masters in Computer Information Systems.

Commissioner Stafford made motion, seconded by Commissioner Trapani, to approve Mr. Gentry's request to sit for the real estate sales exam contingent upon written verification from his prospective sponsoring broker acknowledging awareness of his felony background. Motion passed by majority vote, with Commissioner Caffery voting in opposition to the motion.

- b. Patricia Harrel - Ms. Harrel appeared before the LREC in connection with her request to sit for the real estate sales exam.

On April 18, 1997, Ms. Harrel pled guilty to Burglary. She was sentenced to supervised probation for a period of 36 months. Ms. Harrel was also ordered to: 1) serve 150 days in the San Bernardino County Jail with credit for time served; 2) pay restitution to the victim; and 3) pay a fine. Ms. Harrel is no longer under probation.

Ms. Harrel addressed the Commission stating that since January of 2008 she has been working for Crescent Bank and Trust in Baton Rouge as an adjuster in the claims department. Her interest in real estate sparked when she became the executor of her deceased brother's property.

Harrel explained circumstances surrounding her conviction. She stated as a proprietor of a hair salon, she accompanied one of her clients to cash a check. Authorities detained Ms. Harrel and her client. She was charged with Burglary and later booked. Ms. Harrel claims she was unaware the client's check was bad or stolen.

After Ms. Harrel was questioned at length regarding particulars of her arrest, Commissioner Flavin made motion to deny her request. Motion was seconded by Commissioner Trapani, and passed by a unanimous roll call vote.

2. Commissioner Stafford made motion, seconded by Commissioner Trapani, that the Commission approve the Consent Order proposed as a result of an informal adjudicatory proceeding in Case #2008-250 (LREC v. Beverly B. Durand), and that the Executive Director be authorized to execute the Consent Order in the name of the Louisiana Real Estate Commission.

Prior to voting on the motion, Legal Counsel, Arlene Edwards, advised that even though Mr. McCormick (See Attachment A - letter dated December 12, 2008) requesting reconsideration of her license. Ms. Edwards advised Ms. Durand that she did not have the authority to approve her request, but had no objection to submitting it to the full Commission for review.

Motion to approve the Consent Order was approved by a unanimous roll call vote.

COMMITTEE REPORTS:

1. Budget - Mr. Rowe circulated and reviewed financial statements for period ending November 30, 2008, and presented reports as printed. Also circulated were the 2008-09 Revised Budget and the 2009-2010 Proposed Budget, which Mr. Rowe requested approval by the Commission. Upon motion made by Commissioner Songy and seconded by Commissioner Stafford, the budgets were approved by unanimous vote as presented.
2. Education/Research/Publication - No report; however, Mr. Trapani requested a January committee meeting be scheduled.
3. E & O Task Force - no report.
4. Fair Housing/Cultural Diversity - no report.
5. Legislative/Legal/Timeshare - Commissioner Flavin reported that Louisiana REALTORS met last month to discuss the licensing of auctioneers. Relative to that meeting, Arlene Edwards, stated she and Mr. Willie attended the meeting in good faith based upon representation that the Auctioneer Board wanted to come under the jurisdiction of the LREC for those auctioneers that sold immovable property. At the conclusion of the meeting, the decision was that Ms. Edwards would draft legislation, and that legislation actually necessitated a change in the Auctioneer Licensing Law, not adding to the LREC's, since it states "notwithstanding any other provision to the contrary". Ms. Edwards advised that she contacted the attorney for the Auctioneer Board who advised that she nor their board members had knowledge that legislation was being considered, and was floored that the LREC would consider amending their law. Further, the Chairman of the Auctioneer Board had never been approached by LR concerning the issue. The attorney for the auctioneer board advised Ms. Edwards that the matter will be addressed by the board at their next meeting.

At this point, Mr. Willie and Ms. Edwards requested direction from the Commission as to the extent of the LREC's involvement. Mr. Willie and Ms. Edwards expressed discomfort in usurping another board's authority. Ms. Edwards asked if it is the wish of the Commission to move forward regardless of what the Auctioneer Board decides.

Commissioner Flavin volunteered to attend the meeting of the Auctioneer Board and to report back to the Commission.

After additional discussion, Commissioner Trapani made motion to table any action in this matter until the Commission's next meeting; therefore, Legal Counsel is not authorized to draft legislation at this time. Motion was seconded by Commissioner Flavin and passed by unanimous vote.

6. Standardized Forms - no report.
7. Strategic Planning - no report.

DIRECTORS REPORT:

Mr. Willie reported renewal processing is going very well, and the office is very pleased with on-line participation.

OLD BUSINESS: None

NEW BUSINESS:

1. Chairman-elect Stafford announced the following committees and chairmen for 2009:

Budget - Judy Songy
Education/Research/Publication - Frank Trapani/Pat Caffery
Legislative/Legal/Timeshare - Tim Flavin
Standardized Forms - Gretchen Ezernack
Strategic Planning - Keitha Avant

(Error & Omissions and Fair Housing Committees are being disbanded at this time.)

2. Commissioner Caffery made motion, seconded by Commissioner Bono, to add to the agenda discussion of fingerprinting. Motion passed by a unanimous roll call vote.

After a brief discussion wherein it was a general consensus that fingerprinting would enhance the real estate industry, Commissioner Trapani requested administrative staff contact ARELLO to inquire how many jurisdictions require fingerprinting of initial and renewal applicants.

There being no further business, Commissioner Stafford made motion, seconded by Commissioner Caffery to adjourn. Motion passed unanimously.

GRETCHEN EZERNACK, CHAIRMAN

JUDY SONGY, SECRETARY