

**MINUTES OF MEETING**  
**OF**  
**LOUISIANA REAL ESTATE COMMISSION**  
**JANUARY 14, 2010**

The Louisiana Real Estate Commission held its regular business meeting on Thursday, January 14, 2010, at 9:00 a.m., 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**

July Songy, Chairman  
Frank Trapani, Vice Chairman  
Mike Bono, Secretary  
Keitha Avant  
Paul Burns  
Pat Caffery  
Archie Carraway  
Gretchen Ezernack  
Tim Flavin  
Cynthia Stafford

**STAFF**

J. C. Willie, Executive Director  
Arlene C. Edwards, Legal Counsel  
Stephanie Boudreaux  
Debbie DeFrates  
Mark Gremillion  
Ann Major  
R. C. McCormick  
Al Rowe  
Nikki Senegal  
Marsha Stafford  
Malissa Wright

**GUESTS**

Rene Murray-Leonard  
Mark Norsworthy

Jennifer Lanana, member, was unable to attend the meeting.

Commissioner Stafford gave the invocation; Pledge of Allegiance was led by Commissioner Trapani.

Commissioner Flavin made motion, seconded by Commissioner Trapani, to approve the Minutes of Meeting of December 17, 2009, as written and circulated. Motion passed without objection.

At this point, Chairman Songy gave statement expressing her pleasure as serving as Chairman for 2010, and read into the minutes a mission statement. (See Attachment A).

**PERSONAL APPEARANCE:** Renee Murray-Leonard appeared before the Commission in connection with her request to sit for the real estate sales exam.

On April 29, 1987, Ms. Murray-Leonard pled guilty to Theft in excess of \$500.00. She was sentenced to two years hard labor. This sentence was suspended and she was placed on two years active probation. The court also imposed a supervision fee of \$10.00 per month; attend Program to Encourage Responsible Thinking; perform 20 days of community service for the City of Baton Rouge; and pay court costs of \$94.00. On October 30, 1989, Ms. Murray-Leonard was granted a First Offender Pardon.

Ms. Murray-Leonard fully explained the circumstances surround her conviction which occurred when she was 19 years old. She stated she took the fall for a fellow employee.

After hearing Ms. Murray-Leonard's responses to several questions asked by commissioners, Commissioner Stafford made motion, seconded by Commissioner Ezernack, to approve the request and allow her to sit for the real estate sales exam. Motion passed without opposition.

**INVESTIGATIVE MATTERS:** Stipulations and Consent Orders - Commission Stafford made motion, seconded by Commissioner Trapani that the Commission approve the Consent Orders proposed as a result of informal adjudicatory proceedings in Case #2009-10 (LREC v. Damon Joseph Gerrets) and #2009-114 (LREC v. Frederick C. Beecher, Jr.), and that the Executive Director be authorized to execute the Consent Orders in the name of the Louisiana Real Estate Commission. Motion passed without objection.

Commissioner Avant requested an article appear in the next issue of Boundary Lines regarding escrow deposits.

#### COMMITTEE REPORTS:

1. Agency Task Force - In Jennifer Lanasa's absence Commissioner Caffery gave the following report.

Caffery stated the Task Force met on Wednesday, January 13, 2010, and pretty much wrapped up business, accepting definition changes submitted by Legal Counsel for "designated agency", "designated agent" and "substantive contact". (See Attachment B). The definitions will require a law change, which will be submitted by Louisiana Realtors for the 2010 Legislative Session. The definitions will also be included in the proposed rule change package.

The Task force will present a final report at the Commission's next regular business meeting, and will seek final approval.

2. Budget - Commissioner Stafford referred explanation of financial statements for period ending December 30, 2009, to Al Rowe, accountant.

Mr. Rowe presented reported as printed commenting on expenditures and revenue, which are affected by renewals.

Mark Gremillion, licensing supervisor, explained renewal report which compares previous years with current year. To date, only 16,372 licenses of the 21,736 from 2009 have been renewed. Gremillion further explained that non-renewed individuals will receive a notice within the next couple of weeks advising them to date the Commission has not received a renewal. Additionally, a blast e-mail will be sent to the same individuals. Brokers will also receive a copy of the notice on all their salespeople who have not renewed.

With regards to insurance of compliance of continuing education hours, a full audit will be conducted (through a new computer program). An exception report will be

generated on all licensees who do not have continuing education hours on file. Post-licensing will be handled by the same procedure. If a licensee certified they have completed their hours by acknowledgment on the renewal application, and in fact, they have not, their file will be referred to the investigative division and a case will be opened for investigation. (Mr. Willie advised to date fines for non-compliance of education hours have not be established by the Commission.)

Commissioner Trapani questioned whether a procedure and penalty were in place to address vendors who do not comply with report filing. Legal Counsel advised nothing appears in the rules or law which requires education vendors submit reports within 30 days. (This has been addressed by procedure only). Therefore, Ms. Edwards recommended the matter be referred to committees for review, for possible rule change or rule creation that would specify a date. Matter was referred to committee by the chairman.

3. Education/Research/Publication - Commissioner Trapani requested Louisiana Realtors's Professional Development Committee and the Commission's Education Committee work together to expedite the approval process for continuing education courses, and review established programs to ascertain ones that may be beneficial to the public.

4. Legislative/Legal/Timeshare - Commissioner Flavin reported the committee met on Wednesday, January 13, 2010, and discussed the following items.:

a) Agency Task Force - report will be submitted prior to next meeting. Action on report will be necessary in order for proposed legislation to be submitted timely;

b) Fingerprinting - committee unanimously adopted authorization to obtain criminal history on applicants. Mr. Willie advised legislation to authorize the LREC to obtain criminal history and for State Police to provide the information is required.

Commissioner Trapani, made motion, seconded by Commissioner Ezernack, to submit draft of proposed language for legislation to state police. Motion passed without opposition. (See Attachment C - proposed language.)

c) Advertising - Flavin thanked staff for recommendations. Matter will be deferred until the February meeting.

d) Branch Offices - committee recommended no changes to 2301A

e) Applications - committee approved motion to require a contact telephone number on all initial license applications. Commissioner Stafford made motion, seconded by Commissioner Avant, to ratify motion of committee. Motion of full commission passed without opposition.

f) Commercial broker liability to out of state companies will be discussed in the near future.

g) Committee will begin addressing vendor rules

h) Committee meeting scheduled for Thursday, February 18, 2010 at 9:00 a.m. (regular business meeting to follow).

5. Standardized Forms - no report.

6. Strategic Planning - Mr. Caffery thanked commissioners who have agreed to officially serve on the committee. Caffery stated he has taken the liberty of doing a couple of things in advance of an outline that will be forwarded to members prior to the next meeting.

a) Received from ARELLO, specifically Oklahoma, an orientation manual published for new commissioners; and

b) request that Mr. Willie forward a request to all jurisdictions through ARELLO seeking written policy and/or procedure outlining how other jurisdictions conduct business and/or committee meetings, and any other additional written procedural information on how commission business is conducted, in general.

Commissioner Caffery made motion, seconded by Commissioner Trapani, to instruct the Executive Director to request information from ARELLO jurisdictions as stated above. Motion passed without opposition.

**DIRECTORS REPORT:**

J. C. Willie reported he and several staff members will meet Friday, January 18<sup>th</sup> with the Commissioner of Administration with regards to the loan on the building. Several banks have expressed interest in the financing as well as the State of Louisiana in underwriting the loan. Willie will keep commissioners apprised of the status.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Chairman Songy presented past chairman, Cynthia Stafford, with a plaque in appreciation for her dedicated service to the Commission during her 2009 term as Chairman.

There being no further business, Commissioner Burns made motion, seconded by Commissioner Caffery, to adjourn. Motion carried without opposition.

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JUDY SONGY, CHAIRMAN

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MIKE BONO, SR., SECRETARY