

MINUTES OF MEETING
OF
LOUISIANA REAL ESTATE COMMISSION

JULY 15, 2010

The Louisiana Real Estate Commission held its regular business meeting on Thursday, July 15, 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

Judy Songy, Chairman
Frank Trapani, Vice Chairman
Mike Bono, Secretary
Paul Burns
Pat Caffery
Archie Carraway
Tim Flavin
Jennifer Lanasa

STAFF

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

GUESTS

Chris Donaldson, school owner
Bret Bares, instructor
Norman Morris, LR
Burk Baker, school owner
Brent Lancaster, instructor
Bob Brooks, school owner

Gretchen Ezernack and Cynthia Stafford, members, were not in attendance.

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

Commissioner Caffery made motion, seconded by Commissioner Trapani, to approve the Minutes of Meetings of June 17, 2010, and July 1, 2010, as written and circulated. Motion passed without opposition.

PERSONAL APPEARANCES:

1. James Kent - Mr. Kent appeared before the Louisiana Real Estate Commission in connection with his request to sit for the real estate sales exam.

On December 10, 2007, Mr. Kent pled guilty to Possession with Intent to Distribute a CDS. For this offense, he was sentenced to five years hard labor. This sentence was suspended and Mr. Kent was placed on four years probation under Article 895. Mr. Kent was released from supervision on March 12, 2010.

Mr. Kent, first of all stated he is a United States Marine Corps Disable War Veteran. He explained in detail the circumstances surrounding his conviction which stemmed from an incident with his stepson and his five year old daughter. The incident caused Mr. Kent's PTSD as well as alcohol and drug abuse to resurface. Kent advised that since November of 2008 he has been in counseling at the Baton Rouge Vet Center and has maintained his sobriety during treatment.

After hearing Mr. Kent's responses to questions from commissioners, Commissioner Trapani made motion, seconded by Commissioner Flavin, to approve Mr. Kent's request to sit for the real estate sales exam. Motion passed without opposition.

2. Daniel Kinchen - Mr. Kinchen reappeared before the LREC in connection with his request to sit for the real estate sales exam. Mr. Kinchen appeared before the Commission at its February 18, 2010, meeting at which time his request was denied, but he was encouraged to reapply after being released from probation. On May 24, 2010, Mr. Kinchen was released from probation and granted a First Offender Pardon.

Commissioner Flavin made motion, seconded by Commissioner Trapani, to approve Mr. Kinchen's request and allow him to sit for the real estate sales exam. Motion passed by a majority vote, with Commissioner Caffery voting in opposition.

3. Kristy N. Wyatt - Ms. Wyatt appeared before the LREC in connection with her request to sit for the real estate sales exam. On August 10, 2000, Ms. Wyatt pled guilty to Schedule II Possession of a CDS and Schedule I Possession with the Intent to Distribute a CDS. For these offenses, she was sentenced to four years hard labor and given credit for time served. On November 10, 2009, Ms. Wyatt was granted a First Offender Pardon.

Ms. Wyatt explained that approximately 10 years ago she was arrested with the father of two of her children for selling drugs. Ms. Wyatt advised she served two years and was released on parole. She violated her parole for nonpayment of fines, and was ordered back to prison to serve the remainder of her time.

Ms. Wyatt advised she completed a treatment program for drug addiction; has been drug free for 10 years. She still attends AA meetings and volunteers at drug re-hab centers in the city. Currently, Ms. Wyatt is employed by Ethel Kidd Real Estate as an administrative assistant.

Commissioner Carraway made motion, seconded by Commissioner Bono, to approve Ms. Wyatt's request, and allow her to sit for the real estate sales exam. Motion passed by a majority vote, with Commissioner Caffery voting in opposition.

STIPULATIONS AND CONSENT ORDERS: Commissioner Caffery made motion, seconded by Commissioner Flavin, that the Commission approve the Consent Orders proposed as a result of informal adjudicatory proceedings conducted in the cases specified in a Memorandum dated July 7, 2010, (See Attachment A), from the Executive Director to the Commission, and that the Executive Director be authorized to execute the Consent Orders in the name of the Louisiana Real Estate Commission. Motion passed without opposition.

COMMITTEE REPORTS:

1. Budget - Commissioner Flavin made motion, seconded by Commissioner Trapani, to approve the Louisiana Compliance Questionnaire as completed by Al Rowe and signed by Julius C. Willie. Motion carried without objection.

Mr. Rowe presented financial reports as printed, noting reports contain unaudited figures, as auditors will not complete their final report until the end of August.

2. Education/Research/Publication - Commissioner Trapani reported the committee met on July 14, 2010, and reviewed proposed revisions to Chapter 53 of the Rules and Regulations, which was presented to the Legislative Committee.
3. Legislative/Legal/Timeshare - Commissioner Flavin reported the committee met jointly on July 14, 2010, with the Education Committee, and voted to adopt revisions to Chapter 53 as presented by Education Committee. Commissioner Trapani made motion, seconded Commissioner Bono, to adopt revisions to all inclusive revisions to Chapter 53 of the Rules and Regulations as presented. Motion passed without opposition.

Commissioner Flavin requested the Education and Legislative committees meet jointly on Wednesday, August 18, 2010. The committees will meet at 1:00 p.m. on August 18, and if additional time is needed, the meeting will resume meeting at 9:00 a.m. on the 19th, with the regular business meeting of the Commission to follow immediately.

4. Standardized Forms - Commissioner Carraway reported request soliciting comments to the Buy/Sell Agreement and Disclosure Form appears on the Commission's website. The deadline for submission is August 15, 2010.

At this point Norman Morris, advised Louisiana Realtors has scheduled a meeting for 9:00 a.m. on August 18 for the joint work team (industry and commissioners) to review comments compiled by his office and the commission. The work team anticipates reviewing all comments prior to presenting report to the full commission at its September meeting.

5. Strategic Planning - no report.

DIRECTORS REPORT:

Mr. Willie reported on the education audit stating that at this point approximately 1200 cases have been closed (determined that no violation occurred), and 441 are still under investigation. Within the next couple of weeks, the Stipulations and Consent Order letter will be sent to licensees who are found to have been in violation.

Commissioner Trapani made motion that licensees who are found to be in violation will be required to complete any outstanding continuing education totaling the required 12 hours in addition to paying the assessed fine, and that a time frame for completion of hours and payment of fine be established. Motion was seconded by Commissioner Caffery. After discussion, the motion passed by unanimous vote.

Mr. Willie advised the loan for the building is tentatively scheduled to close by July 31, 2010. The bonding attorney, closing attorney, OMNI Bank and Division of Administration are working on technical language required by the bank and the state. The LREC has furnished all necessary documents.

With regards to the E & O contract for the 2011 calendar year, Mr. Willie advised the option to renew for the fourth year has been exercised at the request of Rice Insurance.

At this point Mr. Willie submitted his letter of resignation with an effective date of January 23, 2011. Mr. Willie feels it's time to make the change. Mr. Willie stated he has appreciated the opportunity to serve and will be here and available until such time that his successor is selected. Mr. Willie said he would be remiss he didn't commend the staff, and personally thanked all the employees for making his job easy. Comments from several commissioners were made to Mr. Willie thanking him for his service to the state for so many years.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Commissioner Trapani requested the Commission select the mandatory continuing education topic for 2011. After some discussion, Commissioner Trapani made motion, seconded by Commissioner Caffery, that *Broker and Agent Responsibilities* be the 2011 mandatory continuing education course. Motion passed by unanimous vote.

Commissioner Trapani advised the Education Committee would review submitted course proposals for content and make recommendation to full Commission.

Chairman Songy made motion to go into Executive Session. Motion seconded by Commissioner Burns and passed without objection.

MEETING RECONVENED

There being no further business, the meeting adjourned.

JUDY SONGY, CHAIRMAN

MIKE BONO, SECRETARY