

MINUTES OF MEETING
OF
LOUISIANA REAL ESTATE COMMISSION
SEPTEMBER 23, 2010

The Louisiana Real Estate Commission held its regular meeting on Thursday, September 23, 2010, at 9:00 a.m., at 9071 Interline Ave, 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
Tim Flavin
James Gosslee
Jennifer Lanasa
Cynthia Stafford

STAFF

J.C. Willie, Executive Director
Arlene C. Edwards, Legal Counsel
Stephanie Boudreaux
Gwen Chapman
Mark Gremillion
Ann Major
Summer Mire
Al Rowe
Marsha Stafford

GUESTS

Charlie Alfortish
Norman Morris
Malcolm Young

Commission members not present for the meeting were Archie Carraway and Gretchen Ezernack.

Commissioner Bono led the Invocation and called for a moment of silent prayer for R.C. McCormick; Commissioner Lanasa led the Pledge of Allegiance.

Chairman Songy recognized and welcomed the newest Commission member, James Gosslee.

Commissioner Caffery made motion, seconded by Commissioner Stafford, to approve the Minutes of Meeting of August 19, 2010, as written and circulated. Motion passed without opposition.

PERSONAL APPEARANCES:

1. Richard E. Guy – Mr. Guy appeared before the Louisiana Real Estate Commission in connection with his request to sit for the real estate sales exam.

On July 7, 2006, Mr. Guy was found guilty of attempt to commit theft. For this offense, he was sentenced to six (6) months in the Clark County Detention Center. This sentence was suspended and he was placed on probation for a period to exceed no more than eighteen (18) months.

Mr. Guy stated that the incident took place shortly after he moved to Las Vegas, Nevada. He stated that he has since joined Alcoholics Anonymous and turned his life around. He is currently employed as a mobile detailer and also has a chauffeurs and taxi license.

After hearing Mr. Guy's responses to questions from the commissioners, Commissioner Stafford made motion to approve Mr. Guy's request to sit for the real estate sales exam. Motion was not seconded, therefore motioned died. Commissioner Trapani made a motion, seconded by Commissioner Caffery, to deny Mr. Guy's request to sit for the real estate sales exam. Motion passed by majority vote.

After Kirk Noel's appearance, Commissioner Trapani made a motion, seconded by Commissioner Flavin, to bring Mr. Guy back into the meeting for further questioning. Motion passed by majority vote, with Commissioner Caffery voting in opposition. It was recognized by the Commission that Mr. Guy did not have to appear before the Commission as his conviction was not a felony but a gross misdemeanor in the state of Nevada. Mr. Guy will be allowed to sit for the real estate sales exam.

2. Kirk Noel – Mr. Noel appeared before the Louisiana Real Estate Commission in connection with his request to sit for the real estate sales exam.

On November 13, 2008, Mr. Noel pled guilty to possession of cocaine. For this offense, he was sentenced to two (2) years active supervised probation. Mr. Noel is currently in compliance with all conditions ordered by the court and is due to be released from probation on November 13, 2010.

Currently, Mr. Noel is employed as a sales consultant for Lazy Boy and also owns a lawn care business.

After hearing Mr. Noel's responses to questions from the Commissioners, Commissioner Flavin made motion, seconded by Commissioner Bono, to approve Mr. Noel's request to sit for the real estate sales exam. Motion passed by majority vote, with Commissioner Caffery voting in opposition.

3. Tammi Smith – Ms. Smith appeared before the Louisiana Real Estate Commission in connection with her request to sit for the real estate sales exam.

On February 7, 2002, Ms. Smith pled guilty to one count of making false statements. For this offense, she was sentenced to five (5) years of supervised probation of which the first six (6) months was to be served on home confinement. She was also ordered to pay \$100 to the Crime Victim Fund and \$47,150 in restitution. Ms. Smith was released from probation on January 8, 2007.

Ms. Smith stated that she was a partner in a mobile home dealership. She was assisting a lady in purchasing a mobile home. The debt of the floor planning certificate was never paid after the mobile home dealership went out of business. She assumed that she was not liable for the debt personally as it was a business debt. Ms. Smith stated that she sold her home and paid the restitution from the equity.

After hearing Ms. Smith's responses to questions from the Commissioners, Commissioner Flavin made motion, seconded by Commissioner Lanasa, to deny Ms. Smith's request to sit for the real estate sales exam. Motion failed by majority vote. Commissioner Burns made motion, seconded by Commissioner Stafford, to allow Ms. Smith's request to sit for the real estate sales exam. Motion passed by majority vote.

4. Altery C. Henry – Mr. Henry appeared before the Louisiana Real Estate Commission in connection with his request to sit for the real estate sales exam.

On April 1, 1998, Mr. Henry pled guilty to possession of a CDS. For this offense, he was sentenced to two (2) years in the Harris County Jail. Mr. Henry completed his sentence on August 27, 2000.

Mr. Henry stated that he became involved with drug selling when he was 21. Since his release from prison, he now currently owns a large trucking company and is also a pastor.

After hearing Mr. Henry's responses to questions from the Commissioners, Commissioner Lanasa made motion, seconded by Commissioner Caffery, to deny Mr. Henry's request to sit for the real estate sales exam. Motion passed by majority vote.

COMMITTEE REPORTS:

1. Budget – Al Rowe reported that the projected budget approved in December 2009 was the 2010-2011 budget. The budget is currently in process of being revised. The auditors have completed the 2009-2010 audit with no exception and reports will be circulated at conclusion of this meeting. The revised budget will be presented as soon as it is available. Mr. Rowe stated that the licensee count has reached 20,000 and is steadily rising as more initial applicants are processed every day. Mr. Rowe requested that the Commissioners review the audit report before the next meeting and address him with any questions if needed.
See Attachment A
2. Education/Research/Publication – No report.
3. Legislative/Legal/Timeshare – No report.
4. Standardized Forms – Norman Morris stated that the joint work teams, that involved several Commissioners as well as industry, met in August and have forwarded recommendations for changes to the 2011 purchase agreement and property disclosure forms to Stephanie Boudreaux. Commissioner Trapani requested copies of the changes be forwarded to Commissioners for review. Mr. Morris reported that there was concern over whether an MLS number could be added to the top of the purchase agreement form. Commissioner Trapani noted that as long as no changes are made to the content of the form, the addition of an MLS number at the top of the purchase agreement should not be a violation. This was not opposed by any Commissioner.
5. Strategic Planning – No report.

DIRECTORS REPORT:

Mr. Willie reported that the 2011 license renewal forms will be sent out in mid-October. The forms will be transmitted electronically. New applicants will have to submit a criminal history effective January 1st, 2011.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Commissioner Flavin reported on the recent ARELLO meeting that was held in Alaska in September 2010.

Commissioner Flavin stated that many states have reverted to Commissioners using laptops in meetings to review rules, regulations, and other documents. He requested that staff research the cost of laptops that would stay at the Commission in an effort to become paperless.

Commissioner Flavin stated he sat in a meeting where a federal task force discussed having consumers become involved in the Commission process. Only a few states, besides Louisiana, are made up solely of industry members. Discussion of the pros and cons of this issue took place. A packet of the laws that have changed throughout the country will be e-mailed to the Commissioners.

Commissioner Flavin and Commissioner Stafford discussed the social media meeting that took place at ARELLO. She reported that a number of states require their licensees to display their licensing information on the front profile page of the Facebook page. A packet from the social media meeting will be e-mailed to the Commissioners.

Commissioner Stafford reported on education trends/changes that were discussed at ARELLO. She stated that the question of timed courses was discussed. She stated that Louisiana requires more continuing education than most states. Commissioner Flavin stated that most states are moving toward increasing education for licensing.

Commissioner Stafford reported that Mr. Willie was highly praised by many members at the ARELLO meeting upon knowledge of his upcoming retirement.

Meeting went into Executive Session to discuss personnel matters.

MEETING RECONVENED

Commissioner Stafford made motion, seconded by Commissioner Caffery, to come out of executive session and return to the regular business meeting. Motion carried.

Commissioner Songy stated that a special meeting to discuss the Executive Director position be scheduled for Thursday, September 30, 2010, at 12:00 p.m. Commissioners would also like to schedule a meeting for Wednesday, October 20, 2010, at 12:30 p.m. to interview applicants for the Executive Director position. Committee meetings will be scheduled for October 21, 2010, at 9:00 a.m. with the regular business meeting immediately following.

There being no further business, Commissioner Burns motioned to adjourn meeting, seconded by Commissioner Caffery. Motion passed without opposition.

JUDY SONGY, CHAIRMAN

MIKE BONO, SECRETARY