

**MINUTES OF MEETING**  
**OF**  
**LOUISIANA REAL ESTATE COMMISSION**  
**SEPTEMBER 15, 2011**

The Louisiana Real Estate Commission held its regular meeting on Thursday, September 15, 2011, at 11:00 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**

Frank Trapani, Chairman  
Tim Flavin, Vice Chairman  
Patrick T. Caffery, Jr., Secretary  
Mike D. Bono  
Paul Burns  
Archie Carraway  
James Gosslee  
Rodney Noles  
Sterling Ory  
Judy Songy

**STAFF**

Bruce Unangst, Executive Director  
Arlene C. Edwards, Legal Counsel  
Stephanie Boudreaux  
Mark Gremillion  
Robert Maynor  
Summer Mire  
Marsha Stafford  
Sara Wheeler  
Jenny Yu

**GUESTS**

Burk Baker, Burk Baker School of Real Estate and Appraisal  
Amy Fennel, Louisiana Realtors  
Brent Lancaster, Bob Brooks School of Real Estate

Commission member Cynthia Stafford was not present for the meeting.

Commissioner Gosslee led the Invocation; Commissioner Ory led the Pledge of Allegiance.

Commissioner Caffery made motion, seconded by Commissioner Flavin, to approve the minutes of the meeting of August 18, 2011. Motion passed without opposition.

**PERSONAL APPEARANCES:**

1. Bret Barattini – Mr. Barattini appeared before the Louisiana Real Estate Commission in connection with his request to sit for the real estate exam.

On February 21, 2008, Mr. Barattini pled guilty to possession of marijuana with the intent to distribute. For this offense, he was to be confined at hard labor for a period of ten (10) years. The court ordered that the hard labor sentence be suspended and he was placed on active supervised probation for four (4) years. On March 31, 2010, Mr. Barattini received a first offender pardon.

Mr. Barattini stated that he is currently working for his grandfather's construction company. After answering questions from the Commissioners, Commissioner Noles made motion, seconded by Commissioner Songy, to approve Mr. Barattini to sit for the real estate exam. Motion passed without opposition.

2. Jimmy Garrard – Mr. Garrard was not able to appear at the scheduled meeting time.
3. Anthony Landry – Mr. Landry appeared before the Louisiana Real Estate Commission in connection with his request to sit for the real estate exam.

On November 19, 2009, Mr. Landry pled guilty to forgery of a financial instrument, a money order. For this offense, Mr. Landry was sentenced to two (2) years confinement. The court ordered the sentence of confinement suspended and he was placed on community supervision for five (5) years. Mr. Landry is currently on probation and is in full compliance with the terms and conditions of his probation. His expected release date is November 19, 2014.

After answering questions from the Commissioners, Commissioner Ory made motion, seconded by Commissioner Noles, to allow Mr. Landry to sit for the real estate exam. Motion failed with Commissioner Ory voting in favor and Commissioners Carraway, Songy, Caffery, Burns, Bono, Gosslee, Noles, and Trapani voting in opposition. Mr. Landry was advised that he may request another appearance to the Commission in the future.

4. Jason Salzer – Mr. Salzer appeared before the Louisiana Real Estate Commission in connection with his request to sit for the real estate exam.

On May 24, 1999, Mr. Salzer pled nolo contendere to possession of LSD, a hallucinogenic substance. The court sentenced Mr. Salzer under Article 893 if all conditions were met. For this offense, Mr. Salzer was sentenced to a period of two (2) years hard labor. The court ordered that the hard labor sentence be suspended and he was placed on supervised probation for two (2) years. On May 24, 2001, Mr. Salzer received a first offender pardon.

Mr. Salzer stated that his probation ended in 2001. Since that time, Mr. Salzer served with the National Guard where he served in Afghanistan. After answering questions from the Commissioners, Commissioner Bono made motion, seconded by Commissioner Songy, to allow Mr. Salzer to sit for the real estate exam. Motion passed without opposition.

#### **COMMITTEE REPORTS:**

1. Budget – Executive Director Bruce Unangst presented with the Commission with the 2010-2011 Legislative Audit Report. The Commissioners were asked to review the report and call Mr. Unangst with any questions they may have. Mr. Unangst then presented the Commission with an Executive Budget Summary Power Point presentation to provide the Commissioners with a better understanding of the revenues, expenses, current licensing fees charged, and fees allowed by law. No action needs to be taken by the Commission at this meeting. (See Attachment A – Executive Budget Summary Presentation Printout)

Mr. Unangst gave a building report and stated that a temporary benchmark system will be installed to measure any further movement of the building. This will be for a six-month period. Commissioner Noles inquired of the prescriptive rights period. Ms. Edwards feels that the prescriptive period begins once the problem is noticed. Commissioner Noles recommended that the Commission contact Steve Lobe, a Baton Rouge architect and attorney that is familiar with prescriptive periods.

Mr. Unangst updated the Commission on the criminal background check procedure. The attorneys from Axiom are currently reviewing the contract from the Commission and will be finalizing shortly.

Mr. Unangst requested that the Commission rescind last month's approved motion of reducing the Appraisal Board's expenses from 9% to 7 ½%. The need to reduce expenses was a mistake made by the Legislative Auditor. Commissioner Caffery made motion, seconded by Commissioner Songy, to rescind that motion. Motion passed without opposition.

Ms. Yu reported that the state corporate credit card is being phased out and can no longer be used by Commissioners.

2. Education/Research/Publication – Commissioner Caffery announced the Special Committee on Continuing Education met prior to the business meeting. The committee reviewed the continuing education guideline document and made two minor revisions to the document which includes adding the words “specific aspects” to the mortgage section of page six. Commissioner Caffery requested approval by the full Commission. Commissioner Flavin made motion, seconded by Commissioner Gosslee, to approve the course approval guideline with proposed revisions. Motion passed without opposition.
3. Legislative/Legal/Timeshare – Commissioner Flavin stated that Legal/Legislative Committee met prior to the regular business meeting. During the meeting, an additional list of violations to be implemented with the Cite and Fine procedure was introduced. Commissioner Burns made motion, seconded by Commissioner Gosslee, to adopt the additional list of violations. Motion passed without opposition. Commissioner Flavin stated the issue of required tail coverage for licensees be addressed with the Errors and Omissions committee. Commissioner Flavin stated that at the last committee meeting with the Home Inspectors Board, it was agreed that the board would provide an article to the Commission for addition to the Boundary Lines. The article will educate licensees on the unauthorized use of inspection reports.
4. Standardized Forms – Commissioner Carraway updated on the issue of short sale disclosures. He noted that his local board does note in the listing agreement whether the property is a short sale. Commissioner Carraway also noted that the Boundary Lines newsletter took him 25-30 minutes for download time.
5. Strategic Planning – No report.
6. Errors & Omissions – No report.

**DIRECTORS REPORT:**

This item was discussed under the Budget Committee report.

**PUBLIC COMMENT:**

None

**UNFINISHED BUSINESS:**

Commissioner Gosslee requested that any time a form is changed online, it be emailed to licensees so that they are aware. Commissioner Gosslee made motion, seconded by Commissioner Flavin, that forms be emailed to the licensees anytime a form is changed. Motion passed without opposition.

**NEW BUSINESS:**

Commissioner Noles discussed a closed investigation case that was file against his company. He wanted to disclose the case due to the fact the complainant attempted to bring it forward to the Commission to embarrass him. Mr. Maynor reported that Commissioner Noles was treated no differently than any other licensee.

Commissioner Flavin introduced discussion of the selection of the Mandatory 2012 Continuing Education course RFP. Commissioner Caffery feels the Chorew/Lublin team has great experience but feels the fees are high and need to be negotiated. Commissioner Flavin stated the Commission would be putting themselves up for liability by asking the fees to be changed. Ms. Edwards stated that the terms of an RFP cannot be negotiated. The price of the course was only weighted at 10% in the terms of the RFP. Mr. Gremillion stated he felt that both proposals were similar in quality and content, with the Chorew/Lublin proposal priced at \$20,000 and Burk Baker’s proposal priced at \$8,600. Mr. Unangst discussed having a fee be assessed per student for every vendor that offers the course. This would cause the price to be a pass through expense for the Commission. Commissioner Flavin made motion, seconded by Commissioner Songy, to accept Burk Baker’s proposal for the 2012 mandatory education course. Motion passed with Commissioner Caffery voting in opposition. Commissioner Noles suggested

the Commission consider not requiring a mandatory course in the future but only require continuing education courses.

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

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FRANK TRAPANI, CHAIRMAN

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PATRICK T. CAFFERY JR., SECRETARY