

BOUNDARY LINES

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We're back!

After an absence of almost one year, the LREC is pleased to announce the return of *Boundary Lines*. We're making some changes to accommodate the rising cost of production, but it remains our goal to provide a quality resource that keeps licensees, registrants, and certificate holders informed about the programs we administer and the services we provide. It's good to be back!

LEGISLATIVE DIGEST

The Louisiana Real Estate License Law has been amended effective January 1, 2009. House Bill 192 (Act 254) of the 2008 Regular Session amends and reenacts LA R.S. 37:1437(C)(2)(a) and (c), (5)(b), and (6) (a) to provide for changes to the initial licensing requirements of real estate brokers; changes to the post-license and continuing education requirements of real estate brokers and salespersons; to remove free courses offered by the Commission; and to provide for related matters. The following is an overview of these changes. Visit www.lrec.state.la.us or www.legis.state.la.us for additional information about H.B. 192 (Act 254):

Broker Licensing Requirements — All applicants for an initial individual real estate broker license shall have first served actively for four years as a salesperson. This does not apply to any person accruing time as a real estate salesperson prior to January 1, 2009, who shall serve actively as a salesperson for two years prior to application for an initial

real estate broker license.

Continuing Education Requirements — The license of an individual real estate broker or salesperson shall not be renewed unless the broker or salesperson furnishes proof of completion of twelve hours per year of continuing education. The Commission may require passage of an examination in order to satisfy the continuing education requirement. The LREC will no longer sponsor continuing education seminars. (See *related stories inside*.)

Post-license Education Requirements — Each person obtaining an initial broker or salesperson license shall complete forty-five post-license hours within one hundred eighty days after the initial license date. Post-license education hours may be used to satisfy eight hours of the twelve-hour annual continuing education requirement; however, post-license education hours shall not satisfy the four-hour mandatory continuing education topic specified by the Commission.

GOVERNOR APPOINTS THREE

Three new members have been appointed to the Louisiana Real Estate Commission by Governor Bobby Jindal:

Patrick T. Caffery was appointed from Supreme Court District V. He has been licensed since 1978 and is the owner/broker of Caffery Real Estate, Inc. in New Iberia, LA.

Timothy J. Flavin was appointed member-at-large. He is a broker and co-owner of Flavin Realty, Inc. in Lake Charles, LA. He has been licensed since 1995.

Jennifer L. Lanasa was appointed from Supreme Court District VII. She has been licensed since 1993 and is the broker/owner of Lanasa Realty, Inc. in New Orleans.



The Residential Agreement to Buy or Sell has been updated. Mandatory use begins January 1, 2009. Users can view and download copies from the Forms menu at www.lrec.state.la.us.

Bobby Jindal
Governor

Gretchen T. Ezernack, Chairman
Monroe

Cynthia Stafford, Vice-Chairman
Gonzales

Judy Songy, Secretary
LaPlace

Keitha Avant
Shreveport

Mike Bono
Lake Charles

Pat Caffery
New Iberia

Timothy J. Flavin
Lake Charles

Jennifer L. Lanasa
New Orleans

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New Orleans

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DISCIPLINARY ACTION

Formal and informal adjudicatory hearings conducted by the Louisiana Real Estate Commission and the Louisiana Real Estate Appraisers Board resulted in the following sanctions against real estate brokers and salespersons and licensed appraisers.

Randall E. Davis, a Broker from Baton Rouge, was censured and ordered to pay a fine in the amount of \$500.00 and the \$75.00 cost of the adjudicatory proceeding for knowingly permitting a sponsored licensed salesperson to operate as a real estate broker and knowingly permitting a sponsored licensee to conduct real estate activities in violation of the Louisiana Real Estate License Law, in violation of LSA-R.S. 37:1455.A.(19) and (20). Consent Order approved February 21, 2008.

Eileen Massett Planetta, a salesperson from Metairie, was censured and ordered to pay a fine of \$300.00 and the \$75.00 cost of the adjudicatory proceeding for failing to disclose her status as a licensee in writing to all other principals in a real estate transaction, in violation of Section 3501.A. of the Rules and Regulations of the Commission and LSA-R.S. 37:1455.A.(2). Consent Order approved March 20, 2008.

Jonathan J. Newton, a salesperson from Shreveport, was censured and ordered to pay a fine of \$750.00 and the \$75.00 cost of the adjudicatory proceeding for representing or attempting to represent a real estate broker or real estate agency other than the licensee broker or agency listed on the license issued by the Commission and for inducing parties to written contracts involving the sale of real estate to break such contracts and substitute new contracts with a different licensee, in violation of LSA-R.S. 37:1455.A.(8) and (13). Consent Order approved March 20, 2008.

At a formal hearing held February 21, 2008 the Louisiana real estate salesperson license issued to **Erica A. Page** of Baton Rouge was revoked for failing to comply with an Order issued by the Commission at a formal adjudicatory hearing held on August 22, 2007, in violation of LSA-R.S. 37:1455.A.(32). The revocation of the license is effective March 3, 2008.

Barbara J. Demarets, a licensed Certified Residential Real Estate Appraiser from Lake Charles, was censured and ordered to pay a fine of \$1,000.00 and the \$75 administrative cost of the adjudicatory proceeding for commu-

nicating assignment results in a misleading manner (Conduct Section of the Ethics Rule) in violation of LSA-R.S. 37:3410 and LSA-R.S. 37:3409.A.(1). Consent Order approved May 19, 2008.

At a formal hearing held December 18, 2006, the Certified General Real Estate Appraiser license issued to **Dean Mayfield** of Shreveport was suspended for sixty days (December 29, 2006 through February 27, 2007). The licensee was ordered to complete 45 hours of continuing education and to pay a fine in the amount of \$2,500.00 and the \$200 cost of the adjudicatory proceeding for filing a document with the Appraisers Board which was required under the Appraisers Law and which was false or contained a material misstatement of fact, in violation of LSA-R.S. 37:3412.

Christopher Tatum Morton, Sr., a Salesperson from Metairie, was censured and ordered to pay a fine of \$300.00 and the \$75.00 administrative cost of the adjudicatory proceeding for failing to disclose his status as a licensee in writing to all other principals in the real estate transaction, in violation of Section 3501.A. of the Rules and Regulations of the Commission and LSA-R.S. 37:1455.A.(2). Consent Order approved May 22, 2008.

C.E. "Ed" Dranguet, a licensed Certified Residential Real Estate Appraiser from Natchitoches, was censured and ordered to pay a fine of \$1,500.00 and the \$75 administrative cost of the adjudicatory proceeding for performing appraisals outside the certification issued to him by the Board (LSA-R.S. 37:3392.(12) and LSA-R.S. 37:3409.A.(1), and failing to analyze the effect on value of anticipated public improvements to be constructed on property being appraised (Standards Rule 1-4(b), in violation of LSA-R.S. 37:3410 and LSA-R.S. 37:3409.A.(1). Consent Order approved July 21, 2008.

Brenda Jackson Wilson, a Salesperson from New Orleans, was censured and ordered to pay a fine of \$250.00 and the \$75.00 cost of the adjudicatory proceeding for conducting real estate activity authorized by her 2007 real estate license after the expiration of the license and before the license was delinquent renewed for 2008, in violation of LSA-R.S. 37:1442.A. and LSA-R.S. 37:1455.A.(1). Consent Order approved August 21, 2008.

Wynona H. Squires, a Broker from Ba-

(Continued on page 6)

LREC EDUCATION PROGRAM ENDS

Beginning January 1, 2009, the Louisiana Real Estate Commission will no longer sponsor continuing education seminars. A resolution passed during the 2007 Regular Session of the Louisiana Legislature requested a study of state real estate educational and professional standards and recommendations for enhancing and improving them. A task force was formed to complete the study and a number of recommendations were made to the Legislature. In accordance with these recommendations, the Legislature enacted H.B. 192 (Act 254 of the 2008 Regular Session), which removed the courses provided by the Commis-

sion, thereby placing the task of educating the industry back into the hands of the state certified real estate schools and vendors, who are better equipped to develop and present quality courses. In effect, the Commission is no longer in the part-time business of education, but back in the full-time role of a state regulatory agency, as originally intended by LA R.S. 37:1437 et seq.

Anyone seeking to complete continuing education course work can find a list of certified real estate schools/vendors online at www.lrec.state.la.us, or contact the Commission at (800) 821-4529 for assistance.

“In effect, the Commission is no longer in the part-time business of education, but back in the full-time role of a state regulatory agency, as originally intended by LA R.S. 37:1437 et seq. “



CONTINUING EDUCATION UPDATE

As announced in November, 2008, the LREC has adopted significant industry suggested changes to the standardized purchase agreement form. To ensure that licensees are adequately familiar with these changes and the proper implementation thereof, *Residential Agreement to Buy or Sell* will once again be the mandatory continuing education topic in 2009.

In order to earn continuing education credit, the course must be completed through a state certified real estate school or education vendor whose curriculum has been approved by the LREC. Continuing education courses will *not* be available through the Lou-

isiana Real Estate Commission.

The number of continuing education hours that must be completed annually has increased from eight to twelve hours. Four of these hours must be in the approved mandatory topic. Previous versions of the *Residential Agreement to Buy or Sell* course curriculum that were approved or completed for credit in prior years will not be accepted for credit in 2009.

For questions about continuing education or any other program regulated by the LREC, visit www.lrec.state.la.us or call 1-800-821-4529.

ILLEGAL ADVERTISING

The Commission will be taking a hard look at the law and rules governing real estate advertising. The issue is two-fold – illegal advertisements and the brokers who allow them. While every licensee is required to follow the provisions of LA R.S. 37:1455.A(2) and Chapter 25 of the Commission Rules and Regulations, it is the ultimate responsibility of the sponsoring broker to ensure that sponsored licensees advertise in a lawful manner. In fact, all advertising by a salesperson or associate broker must be under the direct supervision of the sponsoring broker.

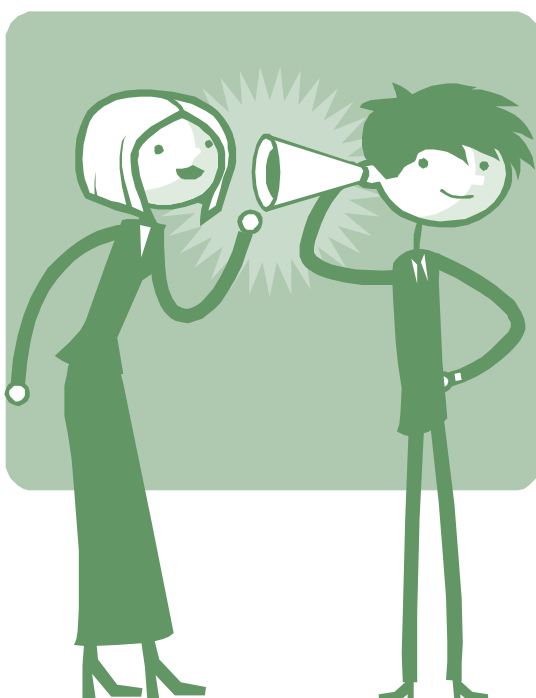
A salesperson or associate broker is prohibited from advertising under his or her own name only. In accordance with Chapter 25, Section 2501.G, the sponsoring broker's name and telephone number must be included in a manner that is conspicuous, discernable, and easily identifiable by the public.

The fines and penalties currently in place have not effectively deterred illegal advertising. The Commission will diligently seek a remedy to curtail this blatant disregard for the law and rules. To ensure



that your advertising is within the specified guidelines, visit www.lrec.state.la.us to view the law and rules in their entirety.

“ It is ultimately the responsibility of the sponsoring broker to ensure that sponsored licensees place lawful advertising.”



We want to hear from you!

If there is an area of the rules and regulations that you feel needs some help, we want to hear from you!

Contact us by February 15, 2009

Louisiana Real Estate Commission
9071 Interline Avenue
Baton Rouge, LA 70898-4785
Or
info@lrec.state.la.us

DISCIPLINARY ACTION

(Continued from page 3)

ton Rouge, was censured and ordered to pay a fine in the amount of \$3,000.00 and the \$75.00 administrative cost of the adjudicatory proceeding for making or allowing payments of commissions or compensation to be made to a person who had not first secured her real estate license under the provisions of the Louisiana Real Estate License Law, in violation of LSA-R.S. 37:1446.A. and LSA-R.S. 37:1455.A.(1). Consent Order approved August 21, 2008.

Kyle Christian Petersen, a salesperson from Baton Rouge, was censured, ordered to pay a fine in the amount of \$3,000.00 and the \$75.00 administrative costs of the adjudicatory proceeding for engaging in the business of and acting in the capacity of a real estate salesperson without first obtaining a license as a real estate salesperson, in violation of LSA-R.S. 37:1436.B., LSA-R.S. 37:1459, and LSA-R.S. 37:1455.A.(1). The licensee was ordered to return the fees or commissions received while an unlicensed person, with that portion of the Order being conditionally suspended for three years. Consent Order approved August 21, 2008.

Elizabeth M. Kobeszko, a Broker from New Orleans, was censured, ordered to pay a fine in the amount of \$300.00 and the \$75.00 cost of the adjudicatory proceeding for failing to disburse funds from a sales escrow checking account upon a reasonable interpretation of the contract or deposit the funds into the registry of a court or deposit the funds with

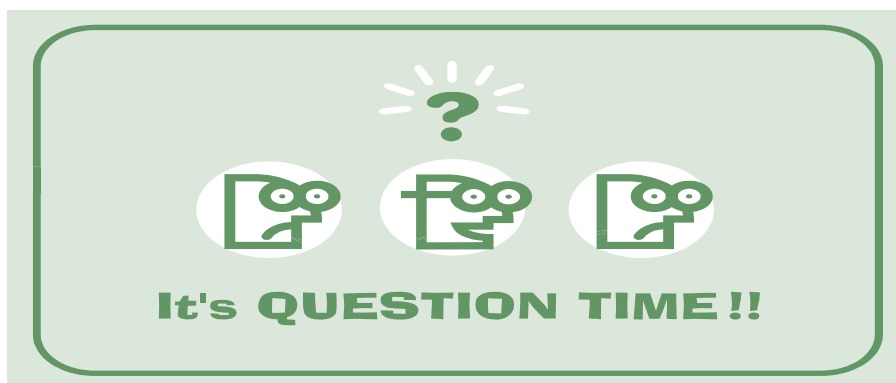
the Commission along with a request for an escrow disbursement order, in violation of Section 2901.A. of the Rules and Regulations of the Commission and LSA-R.S. 37:1455.A.(2). Consent Order approved August 21, 2008.

At informal adjudicatory proceedings conducted in June and July 2008 the below listed licensees were censured, ordered to pay a fine of \$250.00 and the \$75.00 administrative cost of the proceedings for conducting real estate activities authorized by their 2007 real estate license after the expiration of the license and before the license was delinquenty renewed for 2008, in violation of LSA-R.S. 37:1442.A. and LSA-R.S. 37:1455.A.(1). Consent Orders approved August 21, 2008:

Paula Diane Anderson
Christine Marie Belding
Richard John Brien
Jamie P. Broyles
Dorothy Hartley Calderone
Stephanie S. Campbell
Lesley Pigott Christophe
Edward W. Coleman
Patricia Cormier Cooper
Charles Richard Cornay
Woodrow Davis
Dale Mark DeLouise
Corinne Baus Dupont
Crystal M. Eaves
Barbara Ann Findley
Kellye G. Jeansonne
Dorothea E. Martin
Hank Meachum
D. Annette McKay
A.J. Nickens
Bobbie Jean Nothnagel
Chad Gates Ortte
James K. Ozborn
Nolan McClellan Peters
Debra Pounds
Alysia Belinda Robinson
Nicole Crotwell Rowell
Alexa Maria Ritchie
Joseph Ellis Schexnayder
Gilda Marie Scott
Brett Anthony Simon
Christina Shaffer Simon
Kelly Chenevert Spencer



View the law and rules online at
www.lrec.state.la.us.



REAL ESTATE TEAMS—Did you know?

- The real estate “team” concept is an industry marketing device that is not associated with the state licensing program.
- The term “team” is not defined or addressed in the Louisiana Real Estate License Law or the Commission Rules and Regulations, other than in the advertising guidelines (Chapter 25).
- While it is perfectly legitimate to form a real estate “team,” licenses are issued to individuals only; they are not issued to real estate “teams.”
- A real estate “team” should not be confused with a real estate firm that has been formed by a broker under the license law.
- A real estate “team” and “team” advertising are under the direct supervision of the sponsoring broker, and all “teams” must advertise in the name under which the sponsoring broker conducts business.
- A real estate “team” leader is not the equivalent of a sponsoring broker.
- Sponsoring brokers may have certain restrictions or conditions regarding “team” operations.

THE BASIC 411

This is what we do:

ADMINISTER

The Louisiana real estate licensing program

REGULATE

The mode and manner by which the affairs and business of real estate are conducted

ENFORCE

The Louisiana Real Estate License Law and the Rules and Regulations of the Commission

We do not :

- X Interpret contracts**
- X Settle commission or deposit disputes**
- X Give legal advice**



Don't risk practicing without a license!

RENEW ON TIME!

LOUISIANA REAL ESTATE COMMISSION QUARTERLY REPORT

BULK RATE
U.S. POSTAGE
PAID
Permit No. 707
Baton Rouge, LA