

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON DIRECTOR

MICHIGAN BOARD OF REAL ESTATE BROKERS AND SALESPERSONS DECEMBER 5, 2016 MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Real Estate Brokers and Salespersons met on December 5, 2016, at the Ottawa Building, Conference Room 4, 611 West Ottawa Street, Lansing, Michigan 48933.

CALL TO ORDER

Matthew Davis, Chairperson, called the meeting to order at 10:00 a.m.

ROLL CALL

RICK SNYDER

GOVERNOR

Members Present: Matthew Davis, Chairperson, Real Estate Associate Broker

Lola Audu. Real Estate Associate Broker

Robert Craig, Public Member

Allan Daniels, Real Estate Associate Broker

Patrick Dean, Public Member

Karen Greenwood, Real Estate Salesperson Ronald Zupko, Real Estate Associate Broker

Members Absent: Samuel Sterk, Real Estate Salesperson

James Lance, Public Member

Staff: Belinda Wright, Manager, Licensing Division

Lorne Carignan, Administrative Law Specialist, Legal Affairs Brian Hoot, Board Support, Boards and Committees Section Kerry Przybylo, Analyst, Boards and Committees Section

Wendy Helmic, Analyst, Compliance Section

APPROVAL OF AGENDA

MOTION by Craig, seconded by Dean, to approve the Agenda with a correction. The correction is to remove 7A, elections.

A voice vote was held.

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MOTION PREVAILED

APPROVAL OF MINUTES

MOTION by Daniels, seconded by Greenwood, to approve the minutes from August 8, 2016 as presented. Daniels abstained, as he was not at that meeting.

A voice vote was taken.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

A. Petitions

Paul Berisha – Petition for Reinstatement

MOTION by Greenwood, seconded by Craig, to discuss the Petition for Reinstatement.

A voice vote was taken.

MOTION PREVAILED

MOTION by Daniels, seconded by Greenwood, to grant the Petition for Reinstatement provided the Department receives satisfactory written evidence that Petitioner has met all requirements for re-licensure. Upon reinstatement, Petitioner will be granted a limited license for three years. During the limitation period, Petitioner shall have no access to earnest monies and Petitioner's broker shall file quarterly reports with the Department attesting that Petitioner has had no access to earnest monies.

Discussion was held.

A roll call vote was held: Yeas: Audu, Craig, Daniels, Dean, Greenwood,

Zupko, Davis.

Nays: None

MOTION PREVAILED

B. Consent Orders and Stipulations

1. Main Street Real Estate, LLC and Michael David Kemsley

MOTION by Dean, seconded by Daniels, to recuse Zupko from the decision.

A voice vote was held.

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MOTION PREVAILED

MOTION by Greenwood, seconded by Daniels, to accept the Consent Order and Stipulation.

Discussion was held.

A roll call vote was held: Yeas: Audu, Craig, Daniels, Dean, Greenwood,

Davis.

Nays: None Recused: Zupko

MOTION PREVAILED

2. One Source Realty, LLC and Brent A. Nolan

MOTION by Craig, seconded by Daniels, to recuse Greenwood.

A voice vote was held.

MOTION PREVAILED.

MOTION by Dean, seconded by Daniels, to accept the Consent Order and Stipulation.

A roll call vote was held: Yeas: Audu, Craig, Daniels, Dean, Zupko, Davis.

Nays: None

Recuse: Greenwood

MOTION PREVAILED

2. Redding Associates Inc. and Anita Rubin

MOTION by Craig, seconded by Zupko, to approve the Consent Order and Stipulation.

A roll call vote was held: Yeas: Audu, Craig, Daniels, Dean, Greenwood,

Zupko, Davis.

Nays: None

MOTION PREVAILED

OLD BUSINESS

None

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NEW BUSINESS

B. Committee Assignments

Przybylo suggested to create a Rules Committee. Davis appointed Audu, Daniels, Greenwood, and Davis to the Rules Committee

C. Board Member Comments/Requests

None

D. Department Update

Przybylo received an email that licensees are being audited, checking for compliance with continuing education requirements. Wright states that a random sample of three (3) percent of licensees that obtained a license between November 1, 2012 and October 31, 2015 have been contacted to provide proof of their continuing education, either by mailing in hard copies or uploading electronically via CE Marketplace. December 27, 2016 is the expected deadline for licensees to provide the necessary documentation. Any licensee with deficiencies will have fifteen days to provide the necessary continuing education documentation found to be missing. Any licensee that does not respond to the initial request, will be sent a second notice to provide the proper documentation. Licensees that cannot provide proper documentation will be referred to Legal Affairs. Wright reminded the Board that CE Marketplace is free and available to all licensees. Another audit is expected in 2019.

E. Chair Report

None.

F. Discussion of licensure status of salespersons when the broker dies, their license lapses, or their license is suspended.

There are gaps in the statute and the rules need to be opened to provide guidance on the licensure status of a salesperson and affiliated real estate broker when the Broker's license lapses.

MOTION by Zupko, seconded by Greenwood, to open the rules for Real Estate Brokers and Salespersons.

A voice vote was held.

MOTION PREVAILED

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PUBLIC COMMENT

None

ANNOUNCEMENTS

Davis gave thanks for the New Member Handbooks. Davis also stated that the Attorney General's office has been asking for more help with cases and would like the Board members to contact him if they have interest in reviewing cases.

The next regularly scheduled meeting will be held February 13, 2017 at 10:00 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 4, Lansing, Michigan.

ADJOURNMENT

Davis adjourned the meeting at 11:13 a.m.

Minutes approved by the Board on February 13, 2017.

Prepared by: Brian Hoot, Board Support Bureau of Professional Licensing

Date: December 5, 2016