

RICK SNYDER GOVERNOR

STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS SHELLY EDGERTON LANSING

DIRECTOR

MICHIGAN BOARD OF REAL ESTATE BROKERS AND SALESPERSONS

JUNE 4, 2018 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 June 4, 2018, 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 10:01 a.m.

ROLL CALL

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

Robert Craig, Vice Chair, Public Member

Patrick Dean, Public Member

Karen Greenwood, Real Estate Salesperson (left at 12:40 p.m.)

Samuel Sterk, Real Estate Salesperson

Sara Storch-Lipnitz, Real Estate Associate Broker (arrived 10:07 a.m.)

Ronald Zupko, Real Estate Associate Broker

Members Absent: James Lance, Public Member

Staff: Laurie Brown, Analyst, Compliance Section

Carla Chapman, Analyst, Compliance Section

Andria Ditschman, Analyst, Boards and Committees Section

Dena Marks, Analyst, Boards and Committees Section

Stephanie Wysack, Board Support, Boards and Committees Section

APPROVAL OF AGENDA

MOTION by Craig, seconded by Greenwood, to approve the agenda with the addition of the name Samuel Sterk to item 7A.

A voice vote was held.

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MOTION PREVAILED

APPROVAL OF MINUTES

MOTION by Dean, seconded by Zupko, to approve the minutes from February 12, 2018 as presented.

A voice vote was taken.

MOTION PREVAILED

Davis requested introductions of staff and Board members.

REGULATORY CONSIDERATIONS

Hearing Reports

MOTION by Sterk, seconded by Dean, to receive the Hearing Reports.

A voice vote was taken.

MOTION PREVAILED

Century 21 Forward Realty, Inc.

MOTION by Craig, seconded by Sterk, to discuss.

A voice vote was taken.

MOTION PREVAILED

Discussion was held.

MOTION by Craig, seconded by Sterk to fine the Respondent \$2,500.00 to be paid within 6 months. Respondent's license will be suspended if the fine is not paid within 6 months. Respondent's license will be revoked if the fine is not paid within 12 months.

A roll call vote followed: Yeas: Dean, Sterk, Storch-Lipnitz, Zupko, Craig, Davis

Nays: None

Recuse: Greenwood

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Gerald R. Garner

MOTION by Storch-Lipnitz, seconded by Dean, to discuss.

A voice vote was taken.

MOTION PREVAILED

Discussion was held.

MOTION by Zupko, seconded by Storch-Lipnitz to fine the Respondent \$2,500.00 to be paid within 6 months. Respondent's license will be suspended if the fine is not paid within 6 months. Respondent's license will be revoked if the fine is not paid within 12 months.

A roll call vote followed: Yeas: Dean, Sterk, Storch-Lipnitz, Zupko, Craig, Davis

Nays: None

Recuse: Greenwood

MOTION PREVAILED

Jay C. Gregory

MOTION by Zupko, seconded by Sterk, to discuss.

A voice vote was taken.

MOTION PREVAILED

Discussion was held.

MOTION by Sterk, seconded by Dean to fine the Respondent \$2,500.00 to be paid within 6 months. Respondent's license will be suspended if the fine is not paid within 6 months. Respondent's license will be revoked if the fine is not paid within 12 months.

A roll call vote followed: Yeas: Dean, Sterk, Storch-Lipnitz, Zupko, Craig, Davis

Nays: None

Recuse: Greenwood

MOTION PREVAILED

Terrance Herd

MOTION by Sterk, seconded by Storch-Lipnitz, to discuss.

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A voice vote was taken.

MOTION PREVAILED

Discussion was held.

MOTION by Sterk, seconded by Craig, to fine the Respondent \$2,500.00 to be paid within 6 months. Respondent's license will be suspended if the fine is not paid within 6 months. Respondent's license will be revoked if the fine is not paid within 12 months. Respondent is placed on probation for 1 year to include employer reports at 6 months and 12 months.

A roll call vote followed: Yeas: Dean, Sterk, Storch-Lipnitz, Zupko, Craig, Davis

Nays: None

Recuse: Greenwood

MOTION PREVAILED

Jill M. Barts

MOTION by Greenwood, seconded by Dean, to fine Respondent \$250.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 6 hours of continuing education of which 4 must be in legal education.

Discussion was held.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Kimm Lorraine Buckmaster

MOTION by Storch-Lipnitz, seconded by Greenwood, to discuss.

A voice vote was taken.

MOTION PREVAILED

Discussion was held.

MOTION by Sterk, seconded by Craig, to fine Respondent \$1,500.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 28 hours of continuing education of which 6 must be in legal education.

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A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Oltion Chabay

MOTION by Zupko, seconded by Craig, to fine Respondent \$1,000.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 18 hours of continuing education of which 2 must be in legal education.

Discussion was held.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Michael Chmura

MOTION by Storch-Lipnitz, seconded by Dean, to fine Respondent \$1,500.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 28 hours of continuing education of which 6 must be in legal education.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Christopher Ron Edwards

MOTION by Storch-Lipnitz, seconded by Craig, to fine Respondent \$1,500.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 28 hours of continuing education of which 6 must be in legal education.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

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Susan Falloni

MOTION by Storch-Lipnitz, seconded by Greenwood, to fine Respondent \$1,500.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 28 hours of continuing education of which 6 must be in legal education.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Sam Hamame

MOTION by Greenwood, seconded by Sterk, to discuss.

A voice vote was taken.

MOTION PREVAILED

Discussion was held.

MOTION by Storch-Lipnitz, seconded by Greenwood, to fine Respondent \$3,000.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 18 hours of continuing education of which 4 must be in legal education.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Barbara Jean Hawkins

MOTION by Storch-Lipnitz, seconded by Sterk, to discuss.

A voice vote was taken.

MOTION PREVAILED

Discussion was held.

MOTION by Storch-Lipnitz, seconded by Zupko, to fine Respondent \$500.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 13 hours of continuing education of which 2 must be in legal education.

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A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Gary James Hope

MOTION by Storch-Lipnitz, seconded by Dean, to fine Respondent \$500.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 8 hours of continuing education of which 2 must be in legal education.

Discussion was held.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Nicholas J. Johnston

MOTION by Greenwood, seconded by Dean, to discuss.

A voice vote was taken.

MOTION PREVAILED

Discussion was held.

MOTION by Greenwood, seconded by Craig, to revoke Respondent's license.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Lucas Scott Lord

MOTION by Storch-Lipnitz, seconded by Sterk, to discuss.

A voice vote was taken.

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Discussion was held.

MOTION by Sterk, seconded by Craig, to dissolve the Summary Suspension and revoke Respondent's license. Respondent is fined \$5,000.00 to be paid within 60 days and ordered to pay restitution in the amount of \$14,515.00 within 6 months.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Pooja Raman

MOTION by Storch-Lipnitz, seconded by Greenwood, to fine Respondent \$500.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 8 hours of continuing education of which 2 must be in legal education.

Discussion was held.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Madison H. Shepard

MOTION by Storch-Lipnitz, seconded by Dean, to fine Respondent \$250.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 4 hours of continuing education of which 2 must be in legal education.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Gerald Lloyd Weaver

MOTION by Storch-Lipnitz, seconded by Sterk, to fine Respondent \$1,500.00 to be paid within 60 days. Respondent's license is suspended for a minimum 1 day to complete 28 hours of continuing education of which 6 must be in legal education.

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A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Consent Order and Stipulations

MOTION by Craig, seconded by Dean, to have Craig serve as Chairperson for items B1 through B5.

A voice vote was taken.

MOTION PREVAILED

2000 Real Estate LLC

MOTION by Sterk, seconded by Dean, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Craig,

Nays: None Recuse: Davis

Absent from room: Zupko

MOTION PREVAILED

Bradley Amiot

MOTION by Greenwood, seconded by Sterk, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig

Nays: None Recuse: Davis

MOTION PREVAILED

Allie Ayoub

MOTION by Dean, seconded by Sterk, to accept the Consent Order and Stipulation as presented.

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A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig

Nays: None Recuse: Davis

MOTION PREVAILED

Mohamed Ayoub

MOTION by Dean, seconded by Greenwood, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig

Nays: None Recuse: Davis

MOTION PREVAILED

Terrell M. Landis

MOTION by Dean, seconded by Zupko, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig

Nays: None Recuse: Davis

MOTION PREVAILED

Caldwell Realty Group, LLC and Brian Caldwell

MOTION by Dean, seconded by Greenwood, to accept the Consent Order and Stipulation as presented.

Discussion was held.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

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Kenneth Lee Bednark

MOTION by Dean, seconded by Greenwood, to accept the Consent Order and Stipulation as presented.

Discussion was held.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Thomas O. Cretsinger

MOTION by Dean, seconded by Sterk, to accept the Consent Order and Stipulation as presented.

Discussion was held.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Davis

Nays: Craig

MOTION PREVAILED

Garno Property Management, LLC and Christopher K. Garno

MOTION by Dean, seconded by Craig, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Ronald Harris

MOTION by Dean, seconded by Storch-Lipnitz, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

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MOTION PREVAILED

Jaroslaw B. Kisil

MOTION by Dean, seconded by Storch-Lipnitz, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Mark A. Leebove

MOTION by Dean, seconded by Storch-Lipnitz, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Davis

Nays: Craig

MOTION PREVAILED

John H. Madany

MOTION by Dean, seconded by Greenwood, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Andrea Pack

MOTION by Dean, seconded by Sterk, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

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Erika N. Phillips

MOTION by Dean, seconded by Sterk, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Ronald Allan Rissman

MOTION by Dean, seconded by Greenwood, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Cheryl Stocker

MOTION by Dean, seconded by Storch-Lipnitz, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Scott Tasker

MOTION by Dean, seconded by Greenwood, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

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Peter P. Zukowski

MOTION by Dean, seconded by Sterk, to accept the Consent Order and Stipulation as presented.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Petitions for Relicensure

Larry J. Brown, II

Larry J. Brown, II petitioned the Board.

MOTION by Craig, seconded by Dean, to table to next meeting to provide proof of satisfactory completion of probation.

A voice vote was taken.

MOTION FAILED

MOTION by Zupko, seconded by Storch-Lipnitz, to grant the application for Relicensure with a 1-year limitation. Limitation to include a letter from parole officer verifying that court ordered probation has been successfully completed, quarterly employer/broker reports, and quarterly letters/reports from the Alcoholics Anonymous (AA) leader verifying attendance of at least 4 AA meetings per month. Respondent's license will be revoked if he is non-compliant with the terms of the limitation.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Kymosh Myrick – Application for Licensure*

*Note: The Agenda reflected that this was an Application for Relicensure when in fact it was an Application for Licensure.

Kymosh Myrick petitioned the Board.

MOTION by Sterk, seconded by Dean, to grant the application for Licensure with a 1-year limitation. Limitation to include quarterly evidence that court ordered restitution payments are being made, that the balance is reducing, and submission of quarterly

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employer/broker reports. Respondent's license will be revoked if he is non-compliant with the terms of the limitation.

A roll call vote followed: Yeas: Dean, Greenwood, Sterk, Storch-Lipnitz, Zupko,

Craig, Davis

Nays: None

MOTION PREVAILED

Jeffrey Roger Richter

MOTION by Craig, seconded by Storch-Lipnitz, to table the Application for Relicensure to the next meeting to allow the applicant another opportunity to attend.

A voice vote was taken.

MOTION PREVAILED

Safi Mohamad Sobh

MOTION by Sterk, seconded by Zupko, to uphold the department's denial of Respondent's Application for Relicensure.

Discussion was held.

A roll call vote followed: Yeas: Dean, Sterk, Storch-Lipnitz, Zupko, Craig, Davis

Navs: None

MOTION PREVAILED

OLD BUSINESS

Elizabeth Morgan – Application for Licensure

MOTION by Craig, seconded by Storch-Lipnitz, to untable from February 12, 2018. A voice vote was taken.

MOTION PREVAILED

MOTION by Craig, seconded by Zupko, to grant the Application for Licensure with a 1-year limitation. The limitation includes providing evidence that court ordered restitution has been paid in full and submission of quarterly employer/broker reports. Respondent's license will be revoked if she is non-compliant with the terms of the limitation.

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A roll call vote followed: Yeas: Dean, Sterk, Storch-Lipnitz, Zupko, Craig, Davis

Nays: None

MOTION PREVAILED

NEW BUSINESS

Resolution Presentation

Davis presented Resolutions to Samuel Sterk and Allan Daniels, honoring their time served as members of the Board of Real Estate Brokers and Salespersons.

Sterk thanked the Board, staff and the State for the work done during the time he served.

Resolution Regarding Preapproved Continuing Education Sanctions

Marks presented the Sanctions.

MOTION by Craig, seconded by Dean, to approve the Resolution Regarding Preapproved Continuing Education Sanctions.

A roll call vote followed: Yeas: Dean, Sterk, Storch-Lipnitz, Zupko, Craig, Davis

Nays: None

MOTION PREVAILED

Impose Limitation on License – Marlen Daniel McKay

Ditschman presented.

MOTION by Craig, seconded by Zupko, to approve the limitations as presented.

A roll call vote followed: Yeas: Dean, Sterk, Storch-Lipnitz, Zupko, Craig, Davis

Nays: None

MOTION PREVAILED

Rules Update

Marks indicated that the rules were promulgated on May 18, 2018.

Chair Report

None

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Department Update

None

PUBLIC COMMENT

None

ANNOUNCEMENTS

The next regularly scheduled meeting will be held August 13, 2018 at 9:00 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 4, Lansing, Michigan.

ADJOURNMENT

MOTION by Craig, seconded by Sterk, to adjourn the meeting at 1:07 p.m.

A voice vote followed.

MOTION PREVAILED

Minutes approved by the Board on August 13, 2018.

Prepared by: Stephanie Wysack, Board Support Date: June 5, 2018

Bureau of Professional Licensing