

MINUTES
STATE OF CONNECTICUT REAL ESTATE COMMISSION
165 CAPITOL AVENUE
HARTFORD, CONNECTICUT 06106

January 7, 2004

The Connecticut Real Estate Commission convened on Wednesday, January 7, 2004 at 9:36 a.m. in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.

Commissioners Present: Donna M. Hohider, Vice Chairperson, (Broker – 5th District)
Joseph B. Castonguay, (Broker – 2nd District)
Marilyn Keating (Salesperson – 5th District)
Lana K. Ogrodnik (Broker – 5th District)
David W. Fitzpatrick (Public Member – 4th District)

Commissioners Absent: Bruce H. Cagenello, Chairman (Broker – 1st District)
Maggie Claud (Public Member – 1st District)
Rae Tramontano (Public Member – 3rd District)

Commission Vacancy: None

Commission Counsel: Lawrence Widem, Assistant Attorney General

DCP Staff Present: Lauren M. Rubino, License & Applications Specialist
Ed McMahon, Examiner
Elisa Nahas, DCP Managing Attorney
Judith R. Booth, Commission Secretary

Guests: John Sable
Joshua Hawks-Ladds
Shari St. Amand
Clyde St. Amand
Barbara Berkowitz
Jason Cohen
Ross Fingold
Raymond Cashen
Michael Sullivan

The next regular meeting of this Commission is scheduled for February, 4, 2004 at 9:15 a.m. in Room 126.

Note: The administrative functions of this Commission are carried out by the Department of Consumer protection, Occupational and Professional Licensing Division. For information, call Richard M. Hurlburt, Director, at (860) 713-6150.

MINUTES:

None

APPEARED AT THE REQUEST OF THE COMMISSION:

None

REQUEST TO APPEAR BEFORE THE COMMISSION:

None

REQUEST TO RECONSIDER PREVIOUSLY DENIED APPLICATION(S):

None

CONTINUANCE NOTICE(S):

None

NEW BUSINESS:

None

OLD BUSINESS:

None

LICENSE REINSTATEMENT REQUEST:

None

FORMAL HEARINGS SCHEDULED (Continued from December 3, 2003):

1. **In the matter of St. Amand v. Berkowitz and William Raveis Real Estate
Docket No. 03-883**

All parties were present for today's hearing. Shari and Clyde St. Amand were represented by their attorney, Joshua A. Hawks-Ladds of Pullman & Comley; Barbara Berkowitz was represented by her attorneys, Jason W. Cohen and Ross G. Fingold of Levy & Droney; and William Raveis was represented by their attorney, Raymond Cashen, II.

The Notice of Formal Hearing read as follows:

June 16, 2003

*Barbara Berkowitz
12 Twilight Drive
Granby, CT 06035*

RE: NOTICE OF FORMAL HEARING

DOCKET NO. 03-883

Dear Ms. Berkowicz:

In accordance with Section 4-182(c) of the Connecticut General Statutes, you are hereby notified that you are to appear on July 16 at 10:00 a.m., for a Formal Hearing before the Connecticut Real Estate Commission, in Room 126 at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 01610 regarding alleged violations of the Connecticut General Statutes and Regulations. The Connecticut Real Estate Commission has the authority to take the following actions against your license:

*Imposition of a Civil Penalty
Issuance of a Letter of Reprimand
Placing you on Probation and/or
Suspension or Revocation of your license
Issuance of an Order of Restitution*

Section 20-312a. Liability of brokers for salespersons affiliated as independent contractors. In that:

- 1. You falsely indicated to your clients that proper zoning could be easily obtainable for 343 Hopmeadow Street ("the property"), Simsbury, Connecticut;*
- 2. You induced the buyers to misrepresent their mortgage company that they intended to use the property as their primary residence for the purpose of obtaining a mortgage;*
- 3. You induced the buyers to misrepresent to a third-party mortgage company in a re-sale situation that buyer's tenant had never made late rental payments;*
- 4. You signed buyers' signatures on a mortgage document in the resale of the property without buyers' knowledge;*
- 5. You reduced the price of the property in the resale without the knowledge and consent of the buyers.*

BE ADVISED THAT YOU MAY BE REPRESENTED BY LEGAL COUNSEL.

BY AUTHORITY OF THE DEPARTMENT OF CONSUMER PROTECTION AND THE CONNECTICUT REAL ESTATE COMMISSION.

The Notice of Formal Hearing read as follows:

June 16, 2003

William Raveis
William Raveis Real Estate, Inc.
7 Trap Falls Road
Shelton, Connecticut 06484

**RE: NOTICE OF FORMAL HEARING
DOCKET NO. 03-883**

Dear Mr. Raveis:

In accordance with Section 4-182(c) of the Connecticut General Statutes, you are hereby notified that you are to appear on July 16 at 10:00 a.m., for a Formal Hearing before the Connecticut Real Estate Commission, in Room 126 at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 01610 regarding alleged violations of the Connecticut General Statutes and Regulations. The Connecticut Real Estate Commission has the authority to take the following actions against your license:

*Imposition of a Civil Penalty
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Section 20-312a. Liability of brokers for salespersons affiliated as independent contractors. In that:

- 1. You falsely indicated to your clients that proper zoning could be easily obtainable for 343 Hopmeadow Street ("the property"), Simsbury, Connecticut;*
- 2. You induced the buyers to misrepresent their mortgage company that they intended to use the property as their primary residence for the purpose of obtaining a mortgage;*
- 3. You induced the buyers to misrepresent to a third-party mortgage company in a re-sale situation that buyer's tenant had never made late rental payments;*
- 4. You signed buyers' signatures on a mortgage document in the resale of the property without buyers' knowledge;*
- 5. You reduced the price of the property in the resale without the knowledge and consent of the buyers.*

BE ADVISED THAT YOU MAY BE REPRESENTED BY LEGAL COUNSEL.

BY AUTHORITY OF THE DEPARTMENT OF CONSUMER PROTECTION AND THE CONNECTICUT REAL ESTATE COMMISSION.

Note: Chairman Bruce Cagenello, who was not present, recused himself from this matter. Acting Chairperson was Commissioner Donna Hohider.

Note: Assistant Attorney General Lawrence Widem asked that the Department provide to the attorneys a copy of all of the exhibits produced at today's hearing.

Note: Assistant Attorney General Lawrence Widem requested that all attorneys submit to the commission secretary their Briefs addressing Attorney Hawks-Ladds' Motion to Quash Subpoena Duces Tecum as well as their closing arguments in this case. The Brief should not exceed ten pages.

CHRO APPLICATIONS:

None

CHRO RENEWAL APPLICATIONS:

None

REAL ESTATE APPLICATIONS:

None

Real Estate Salesperson Application(s):

None

Legal Entity Application(s):

None

Reinstatement of Salespersons Application(s):

None

APPLICATION FOR HARDSHIP:

None

CORRESPONDENCE:

None

COMPLAINT(S):

None

DISCUSSIONS:

None

SETTLEMENT AGREEMENTS:

None

CONSENT AGREEMENT(S):

None

REAL ESTATE EXAMINATION RESULTS:

None

MISCELLANEOUS:

None

ADJOURNMENT:

The meeting concluded at 1.12 p.m.

No motion was made to this effect.

Respectfully submitted,

Judith R. Booth, Commission Secretary