

(DRAFT PENDING COMMISSION APPROVAL)

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

March 3, 2004

The Connecticut Real Estate Commission convened on Wednesday, March 3, 2004 at 9:30 a.m. in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.

Commissioners Present: Bruce H. Cagenello, Chairman (Broker – 1st 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: Donna M. Hohider, Vice Chairperson, (Broker – 5th District)
Rae Tramontano (Public Member – 3rd District)

Commission Vacancy: One (1)

Assistant Attorney General: Alan Ponanski, Assistant Attorney General

DCP Staff Present: Lauren M. Rubino, License & Applications Specialist
Elisa Nahas, DCP Managing Attorney
Judith R. Booth, Commission Secretary
Joan Emerick, Real Estate Examiner

Guests: Joshua Hawks-Ladds
Ross Fingold
Clyde St. Amand
Laurence Hannifin

The next regular meeting of this Commission is scheduled for April 7, 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 please call Richard M. Hurlburt, Director, at (860) 713-6135.

MINUTES:

The February 4, 2004 Real Estate Commission Minutes were reviewed.

A motion was made by Commissioner Lana Ogrodnik to approve the February 4, 2004 Minutes pending changes to pages 1, 8, 9, 10 and 11, which should be corrected as follows:

Page 1:

From: Commission Vacancy: None

To: Commission Vacancy: One (1)

Page 8:

From: *Note: During today's proceedings, Commissioner David Fitzpatrick notified all present that he wished to disclose that he was sued by the law firm Pullman & Comley, LLC, and that he's "got no **ANIMAS** towards them and doesn't feel one way or another." He added that he wished to disclose that he was familiar with a number of lawyers employed by Pullman & Comley, LLC, but feels certain that this will not affect his judging this matter impartially.*

To: *Note: During today's proceedings, Commissioner David Fitzpatrick notified all present that he wished to disclose that he was sued by the law firm Pullman & Comley, LLC, and that he's "got no **ANIMUS** towards them and doesn't feel one way or another." He added that he wished to disclose that he was familiar with a number of lawyers employed by Pullman & Comley, LLC, but feels certain that this will not affect his judging this matter impartially.*

Page 8, 9, 10

From: **Real Estate Salesperson Application(s):**

**Indicates items not listed on the agenda but were discussed at today's proceedings.*

1. *Ronald W. Blomgren, Jr., of Southport, CT*

The Commission deferred this application subject to the submission of the applicant's PSI results. No motion was made to this effect.

2. *Joyce Sannizzaro of Thomaston, CT*

The Commission approved this application. No motion was made to this effect.

3. *Diana Levsky of Virginia Beach, VA*

The Commission approved this application subject to the applicant obtaining a CT sponsoring Broker. No motion was made to this effect.

4. *Tammy Pascale of Putnam, CT*

The Commission approved this application. No motion was made to this effect.

5. *Monica Serva of Southbury, CT*
The Commission approved this application. No motion was made to this effect.
6. *Patricia A. Salaris of Manchester, CT*
The Commission approved this application. No motion was made to this effect.
7. *Elaine A. Cash of Bloomfield, CT*
The Commission approved this application. No motion was made to this effect.
8. *Michael Simko of New York, New York*
The Commission approved this application subject to the applicant successfully passing the mandatory courses, "Mandatory CT Real Estate Law and Fair Housing" and "Agency". No motion was made to this effect.
9. *Cindy H. Kane of Trumbull, CT*
The Commission approved this application. No motion was made to this effect.
10. *Suzanne J. Tween of Darien, CT*
The Commission approved this application. No motion was made to this effect.
11. *Zhou Wei Qiu of New Haven, CT*
The Commission approved this application. No motion was made to this effect.
12. **Curtis Rossi of Glastonbury, CT*
The Commission approved this application. No motion was made to this effect.
13. **Blaise Vaval of Norwalk, CT*
The Commission approved this application. No motion was made to this effect.
14. **Cathryn Boehm of New Milford, CT*
The Commission approved this application. No motion was made to this effect.

Real Estate Broker Application(s):

**Indicates items not listed on the agenda but were discussed at today's proceedings.*

1. *Tami L. Luchon of Stafford Springs, CT*
The Commission approved this application. No motion was made to this effect.
2. **Steven M. Sikora of Westport, CT*
The Commission approved this application subject to the application successfully passing an Appraisal I course. No motion was made to this effect.

3. *Marvin Powers of Gainsville, VA

The Commission approved this application. No motion was made to this effect.

To: **Real Estate Salesperson Application(s):**

**Indicates items not listed on the agenda but were discussed at today's proceedings.*

1. Ronald W. Blomgren, Jr., of Southport, CT

Commission Chairman Bruce Cagenello moved a motion to defer this application subject to the submission of the applicant's PSI results. Commissioner Marilyn Keating seconded the motion. The motion carried unanimously.

2. Joyce Sannizzaro of Thomaston, CT

Commission Chairman Bruce Cagenello moved a motion to approve this application. Commissioner Marilyn Keating seconded the motion. The motion carried unanimously.

3. Diana Levsky of Virginia Beach, VA

Commission Chairman Bruce Cagenello moved a motion to approve this application subject to the applicant obtaining a CT sponsoring Broker. Commissioner Marilyn Keating seconded the motion. The motion carried unanimously.

4. Tammy Pascale of Putnam, CT

The Commission approved this application. No motion was made to this effect.

5. Monica Serva of Southbury, CT

The Commission approved this application. No motion was made to this effect.

6. Patricia A. Salaris of Manchester, CT

The Commission approved this application. No motion was made to this effect.

7. Elaine A. Cash of Bloomfield, CT

The Commission approved this application. No motion was made to this effect.

8. Michael Simko of New York, New York

The Commission approved this application subject to the applicant successfully passing the mandatory courses, "Mandatory CT Real Estate Law and Fair Housing" and "Agency". No motion was made to this effect.

9. Cindy H. Kane of Trumbull, CT

The Commission approved this application. No motion was made to this effect.

10. *Suzanne J. Tween of Darien, CT*
The Commission approved this application. No motion was made to this effect.
11. *Zhou Wei Qiu of New Haven, CT*
The Commission approved this application. No motion was made to this effect.
12. **Curtis Rossi of Glastonbury, CT*
The Commission approved this application. No motion was made to this effect.
13. **Blaise Vaval of Norwalk, CT*
The Commission approved this application. No motion was made to this effect.
14. **Cathryn Boehm of New Milford, CT*
The Commission approved this application. No motion was made to this effect.

Real Estate Broker Application(s):

**Indicates items not listed on the agenda but were discussed at today's proceedings.*

1. *Tami L. Luchon of Stafford Springs, CT*
The Commission approved this application. No motion was made to this effect.
2. **Steven M. Sikora of Westport, CT*
The Commission approved this application subject to the application successfully passing an Appraisal I course. No motion was made to this effect.
3. **Marvin Powers of Gainsville, VA*
The Commission approved this application. No motion was made to this effect.

The motion was seconded by Commissioner Marilyn Keating. The motion carried unanimously.

***A motion was made by Commissioner Donna Hohider to approve the January 7, 2004 Minutes. The motion was seconded by Commissioner Marilyn Keating. The motion carried unanimously.**

***Note: Chairman Bruce Cagenello abstained from voting, because he was not present for the January 7, 2004 meeting.**

APPEARED AT THE REQUEST OF THE COMMISSION:

1. **Katherine Pancak Associate Director, Center for Real Estate Studies and Associate Professor**

Ms Pancak appeared today to discuss the items underlined below. She began addressing the Commission by suggesting three dates for the Instructor's Seminar April 2, April 16, and April 30, and asked the Commissioners to advise on a date that is good for them.

Education

- **The mandatory courses for 2006 are Mandatory CT Real Estate Law and Fair Housing and Agency**
- **Principal and Practices must be offered by all Connecticut-approved real estate schools**

On-line courses

- **Ms Pancak notified the Commission that she is currently involved in developing an on-line Agency course**

Interns

- **Ms Pancak notified the Commission that UCONN/CREUS is prepared to offer an intern to the Real Estate Unit to assist them with various functions pertaining to educational tasks as opposed to clerical tasks. The expense will be afforded by UCONN/CREUS and not by the Department of Consumer Protection, but the Department of Consumer Protection is required to supervise the intern.**

Chairman Bruce Cagenello asked Ms Pancak to send him an email regarding this issue so that he can discuss it with DCP Commissioner Edwin Rodriguez supporting this idea.

Topics for the Real Estate Instructor's Seminar

- **Although several topics were discussed, it was decided that this year's Instructor's Seminar will be potpourri of different issues such as "Flipping", "BPOs", "Distance Education", "Buyer Representation", "Dual/Designated Agency", "Proposed Legislative Changes to RESPA", "Electronic Signatures", etc.**

REQUEST TO APPEAR BEFORE THE COMMISSION: None

REQUEST TO RECONSIDER PREVIOUSLY DENIED APPLICATION(S): None

CONTINUANCE NOTICE(S): None

NEW BUSINESS:

1. Should the Commission entertain a Special Meeting date in an effort to eliminate a large portion of the agenda items that were carried over from previous meetings?

The Commission agreed that a special meeting date would not be necessary.

2. The Commission asked the Department if there are a number of on-line Principal and Practices offerings by real estate schools within and outside of the state.

The Department will investigate this matter and report back to the Commission.

3. Commissioner Edwin Rodriguez authorized the Real Estate Commissioners and the Department of Consumer Protection staff to receive continuation education credit.

A motion was made by Commissioner Donna Hohider to approve continuing education credits for any actively licensed Connecticut Real Estate Commissioner and any actively licensed staff person with the Department of Consumer Protection. The motion was seconded by Commissioner Lana Ogradnik. The motion carried unanimously.

4. The Commission agreed that it be mandatory that the instructor(s) of a real estate school or the school's representative attend one of two Instructors' Seminars each year. The issue became one of enforcement. Does the Commission have the authority to enforce this mandate?

The Commission asked Lauren Rubino to check with DCP Attorney Elisa Nahas on this issue.

5. A new Assistant Attorney General assigned to the Real Estate Commission, Alan N. Ponanski, was introduced to the Real Estate Commissioners and to the Consumer Protection staff.

OLD BUSINESS:

1. **Ongoing Agenda Items:**

- **Proposed Regulations**
- **Section 20-320: Increase of the maximum fine i.e. civil penalty**
- **General Fund Overage**
- **ARELLO Certification**
- **ARELLO Participation**

2. **Ongoing agenda item:** What information does the Commission wish to add to the Renewal form prior to the next renewal cycle?

Here are a few items that the Commission would like to see added to the Renewal form:

- **Note on the form requesting an applicant's e-mail address**
- **Note on the form the DCP website and to use it regularly**
- **CE Affidavit**
- **LLC – make sure companies are properly licensed**

- **Note on the form that BPOs may be performed for pay only in pursuit of a listing**
- **Note on the form that there is no grace period after 30 days of an expiration date; a license renewal submitted after an expiration date is deemed lapsed**
- **The person's name and license number on the on-line receipt**

This matter was discussed at today's proceedings and will remain in the Minutes as an on-going item until after the Renewal process has been performed.

A meeting between Commission Chairman Bruce Cagenello, Director Richard Hurlburt of Occ/Pro Licensing Division, Director Tim West of License Services and Real Estate Specialist Laureen Rubino yielded that a letter be sent separate from the Renewal Notices, but during the renewal cycle, to all real estate licensees regarding licensing requirements.

Chairman Bruce Cagenello asked Laureen Rubino to be certain to include all items bulleted above and to forward a copy of the final draft to them for their final input prior to mailing.

3. **Revisions to the Continuing Education Course Application:** At the September 3, 2003 meeting, Commissioner Donna Hohider requested that the course applications be revised the revisions should include the following:

- Include Distance Education as a check box on the application
- Add a section for ARELLO
- Add a section concerning ARELLO Primary or Secondary Approval and the meaning for both
- Provide a line on the applications to insert the number of classroom hours for a course
- Request for a fire marshal certificate must be placed up on the checklist portion of the application
- Request of sample advertising must be placed up on the checklist portion of the application
- Course outline/syllabus should be clarified to mean what source is the instructor referencing or the source of the teaching material
- Provide a line on the applications for a revision date of the textbook being taught
- Include and provide a line on the applications for Location of Classrooms

This matter was discussed at today's proceedings and it will remain in the Minutes as an on-going item until after May 31, 2004.

The Commission advised that Real Estate Specialist Laureen Rubino and Commission Secretary Judy Booth update the real estate course application to reflect the new information discussed in December, and that it be completed in March so that it can be circulated to the Commission members for their approval. Once completed, the course application will be distributed at the upcoming Instructor's Seminar.

4. Discussion of Record Retention and possible adoption of Record Retention Policy by the Real Estate Commission. How long should a realtor (Broker) keep records?

The Commission felt that five years, as it states in USPAP, should be the duration in which to keep real estate records; however, Commissioner Rae Tramontano suggested that she is aware of a State published guide which indicates how long records should be kept and that the Commission review it prior to making a final decision on the 5 year USPAP rule.

5. Laureen Rubino, Real Estate Applications Specialist, reported that Gail Van Slyck submitted her required monthly report on James Hollyday, Salesperson.

The Commission reviewed the correspondence. No comments or questions were raised.

6. December 9, 2003 email from Examiner Ed McMahon regarding "Course Certification".

A motion was made by Commission Donna Hohider to approve SIOR/Twin Elms' Certificate of Completion for their three (3) hour continuing education course, "Utilizing Environmental Insurance for your Clients' Transactions". The motion was seconded by Commissioner Lana Ogrodnik. The motion carried unanimously.

7. Memorandum from Assistant Attorney General Lawrence Widem regarding "Retirement Licensee Status Legislation".

The Commission expressed that they would like to review and rule on applications in this category on a case-by-case basis.

8. "I Sold My House.com": The Commission requested that I Sold My House.com be invited to a meeting and asked Laurence Hannafin if he would look into the matter.

Laurence Hannafin was called on to provide an update to the Commission on this issue. He stated that the position of CAR is not to interfere with anyone business plan and that it becomes a sensitive issue when conducting an investigation on members of their own industry.

LICENSE REINSTATEMENT REQUEST: None

FORMAL HEARINGS SCHEDULED:

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 & Drone; 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:

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- 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, recused himself from this matter. Acting Chairperson was Commissioner Donna Hohider.

Note: During today's proceedings, Commissioner David Fitzpatrick notified all present that he wished to disclose that he was sued by the law firm Pullman & Comley, LLC, and that he's "got no animas towards them and doesn't feel one way or another." He added that he wished to disclose that he was familiar with a number of lawyers employed by Pullman & Comley, LLC, but feels certain that this will not affect his judging this matter impartially.

Note: The Department will provide to the attorneys a copy of the exhibits produced at today's hearing, which were exhibits 6C and 8R.

Note: All Attorneys agreed to submit Briefs to Commission Secretary Judy Booth thirty (30) days after receiving the transcript of today's proceedings.

CHRO APPLICATIONS:

***Indicates items not listed on the agenda but were discussed at today's proceedings.**

1. Darryl A. Ciminera of Waterbury, CT

A motion was made by Commissioner Donna Hohider to deny this application due to the short probation period served, two out of ten years, and that the applicant may apply again in one year's time. The motion was seconded by Commissioner Marilyn Keating. The motion carried unanimously.

2. Jason Colli of Windsor Locks, CT

This matter was tabled until the applicant submits all of the paperwork required by the Commission at a previous meeting.

3. Antonio Vallafane of Bridgeport, CT

This matter was tabled.

CHRO RENEWAL APPLICATIONS: None

REAL ESTATE APPLICATIONS:

Real Estate Salesperson Application(s):

***Indicates items not listed on the agenda but were discussed at today's proceedings.**

1. Ronald W. Blomgren, Jr., of Southport, CT

The Commission deferred this application subject to the submission of the applicant's PSI results. No motion was made to this effect.

2. Joyce Sannizzaro of Thomaston, CT

The Commission approved this application. No motion was made to this effect.

3. Diana Levsy of Virginia Beach, VA
The Commission approved this application subject to the applicant obtaining a CT sponsoring Broker. No motion was made to this effect.
4. Tammy Pascale of Putnam, CT
The Commission approved this application. No motion was made to this effect.
5. Monica Serva of Southbury, CT
The Commission approved this application. No motion was made to this effect.
6. Patricia A. Salaris of Manchester, CT
The Commission approved this application. No motion was made to this effect.
7. Elaine A. Cash of Bloomfield, CT
The Commission approved this application. No motion was made to this effect.
8. Michael Simko of New York, New York
The Commission approved this application subject to the applicant successfully passing the mandatory courses, "Mandatory CT Real Estate Law and Fair Housing" and "Agency". No motion was made to this effect.
9. Cindy H. Kane of Trumbull, CT
The Commission approved this application. No motion was made to this effect.
10. Suzanne J. Tween of Darien, CT
The Commission approved this application. No motion was made to this effect.
11. Zhou Wei Qiu of New Haven, CT
The Commission approved this application. No motion was made to this effect.
12. *Curtis Rossi of Glastonbury, CT
The Commission approved this application. No motion was made to this effect.
13. *Blaise Vaval of Norwalk, CT
The Commission approved this application. No motion was made to this effect.
14. *Cathryn Boehm of New Milford, CT
The Commission approved this application. No motion was made to this effect.

Real Estate Broker Application(s):

***Indicates items not listed on the agenda but were discussed at today's proceedings.**

1. Tami L. Luchon of Stafford Springs, CT

The Commission approved this application. No motion was made to this effect.

2. *Steven M. Sikora of Westport, CT

The Commission approved this application subject to the application successfully passing an Appraisal I course. No motion was made to this effect.

3. *Marvin Powers of Gainsville, VA

The Commission approved this application. No motion was made to this effect.

Legal Entity Application(s): None

Reinstatement of Salespersons Application(s): None

APPLICATION FOR HARDSHIP: None

CORRESPONDENCE:

***Indicates items not listed on the agenda but were discussed at today's proceedings.**

1. January 5, 2004 letter from Allen Glucksman requesting 36 hours of education equivalency for successfully passing a Real Estate Appraisal II class at Norwalk Community College.

A motion was made by Commissioner Donna Hohider to approve this request for 6 hours. The motion was seconded by Commissioner Rae Tramontano. The motion carried unanimously.

2. Cathryn W. Boehm of New Jersey is requesting 75 hours of education equivalency.

A motion was made by Commissioner Donna Hohider to approve this request for 6 hours. The motion was seconded by Commissioner Rae Tramontano. The motion carried unanimously.

3. Joann Murray is requesting 6 hours of education equivalency credit.

A motion was made by Commissioner Donna Hohider to approve this request for 6 hours. The motion was seconded by Commissioner Lana Ogrodnik. The motion carried unanimously.

4. Arthur Ross is requesting 6 hours of education equivalency credit.

A motion was made by Commissioner Lana Ogrodnik to approve this request for 6 hours. The motion was seconded by Commissioner Rae Tramontano. The motion carried unanimously.

5. John Choate of Old Greenwich, CT, is requesting 6 hours of education equivalency credit.
A motion was made by Commissioner Donna Hohider to approve this request for 6 hours. The motion was seconded by Commissioner Rae Tramontano. The motion carried unanimously.
6. Mark Einhorn of North Haven, CT, is requesting 3 hours of education equivalency credit.
A motion was made by Commissioner Donna Hohider to approve this request for 3 hours. The motion was seconded by Commissioner Lana Ogradnik. The motion carried unanimously.
7. George A. Bender of Washington Depot, CT, is requesting a waiver of the continuing education requirement for the renewal of his license in 2004.
A motion was made by Commissioner Rae Tramontano to approve a 6 month extension for 12 continuing education credits and to make Mr. Bender aware that on-line courses are being offered by two CT-approved real estate schools. The motion was seconded by Commissioner Donna Hohider. The motion carried unanimously.
8. January 12, 2004 faxed letter of resignation from Commissioner Maggie Claud.
The Commission reviewed the correspondence. No questions or comments were noted.
9. January 20, 2004 letter of resignation from Commissioner Donna M. Hohider.
The Commission reviewed the correspondence. No questions or comments were noted.
10. December 23, 2003 letter from Gail Van Slyck reporting on the progress of James Hollyday.
The Commission reviewed the correspondence. No questions or comments were noted.
11. December 2, 2003 letter from Anthony Ciarlone is requesting a waiver of his Salesperson's exam. Mr. Ciarlone relinquished his license when appointed Administrator of the State of CT Leasing and Property Acquisition for DPW.
A motion was made by Commissioner Donna Hohider to approve the request for waiver. The motion was seconded by Commissioner Marilyn Keating. The motion carried unanimously.
12. December 12, 2003 letter from John S. Stout requesting a waiver to allow him to finish education requirements on May 31 instead of March 31, 2004.
A motion was made by Commissioner Ben Castonguay to approve a 1 month extension. The motion was seconded by Commissioner Lana Ogradnik. The motion carried unanimously.

13. Tom Hill is requesting 3 hours of education equivalency credit for taking and completing an Ethics course at SIOR.

A motion was made by Commissioner Donna Hohider to approve this request for 3 hours. The motion was seconded by Commissioner Lana Ogradnik. The motion carried unanimously.

14. *William J. Carrington is requesting continuing education extension to April 8, 2004.

A motion was made by Commissioner Donna Hohider to approve an extension for continuing education to April 8, 2004, as long as Mr. Ross is not sponsoring salespeople; but if he is sponsoring salespeople, he must complete continuing education by March 31, 2004. The motion was seconded by Lana Ogradnik. The motion carried unanimously.

COMPLAINT(S): None

DISCUSSIONS:

***Indicates items not listed on the agenda but were discussed at today's proceedings.**

1. November 17, 2003 letter from Commissioner Ben Castonguay regarding a discussion on "Agency Dual/Designated".

Commissioner Ben Castonguay explained the purpose of his letter and the Commission discussed the importance of sharing this information at the Instructor's Seminar.

2. Procedures for Declaratory Rulings: Discussion on having a public forum.

Chairman Bruce Cagenello addressed this issue stating that Declaratory Rulings are the Commission's final decisions and it is valuable for this industry to have this knowledge. Chairman Cagenello further expressed that the Connecticut Association of Realtors offers the Commission the opportunity to do speaking engagements and this would be the perfect forum in which to disclose the Commission's declaratory rulings.

3. Ideas on what the Commission can discuss when they're invited to speak to a group of real estate agents and brokers.

Chairman Bruce Cagenello expressed that it would be beneficial to the Commission to have a prepared script for the Commission members to refer when they are invited to speak at various engagements. Ms Katherine Pancak was asked by Chairman Cagenello if she would help prepare the script and if it would be helpful if the Department of Consumer Protection provide copies of previous Commission Minutes to assist her in developing one. Ms Pancak agreed. Commissioner Donna Hohider added that copies of past Declaratory Rulings should also be helpful. Lauren Rubino agreed to provide copies of past Declaratory Rulings.

Prior to Ms Pancak's departure, Commission Secretary Judith Booth provided copies of the 2002 and 2003 Real Estate Commission Minutes and electronically mailed the Minutes to her as well.

4. Reciprocity:
 - Review of the Reciprocal Application
 - Reciprocal Agreement (current agreement enclosed is with the State of Illinois)
 - Discussion on licensing requirements of reciprocal states

The Commission expressed that Reciprocal Agreements between CT and the Reciprocal states should be identical. After much discussion, Laureen Rubino said she will check with the State of Rhode Island to see if they have any designation codes on their licenses.

5. "Explaining the Buyer Representation Agreement to a Buyer"

The Commission felt that this subject should be discussed at the upcoming Instructor's Seminar.

SETTLEMENT AGREEMENTS: None

CONSENT AGREEMENT(S):

***Indicates items not listed on the agenda but were discussed at today's proceedings.**

1. Truly Unique Real Estate, LLC, Wilson Clark, Designated Broker – Unlicensed LLC

A motion was made by Commissioner Marilyn Keating to approve Consent Agreement which includes a civil penalty of \$2,000.00. The motion was seconded by Commissioner Rae Tramontano. The motion carried unanimously.

2. Priority Real Estate Sources, LLC – Richard Votto, Designated Broker – Unlicensed LLC

A motion was made by Commissioner Donna Hohider to approve Consent Agreement which includes a civil penalty of \$2,000.00. The motion was seconded by Commissioner Rae Tramontano. The motion carried unanimously.

3. *Charles M. Shimkus Company, Inc. aka Shimkus, Murphy & Lemkuil – Unlicensed

A motion was made by Commissioner Rae Tramontano to include the above Consent Agreement to the agenda. The motion was seconded by Commissioner Marilyn Keating. The motion carried unanimously.

A motion was made by Commissioner Donna Hohider to approve Consent Agreement which includes a civil penalty of \$2,000.00. The motion was seconded by Commissioner Ben Castonguay. The motion carried unanimously.

4. 2004-332 DCP Complainant v Century 21 Greengarden Realty, Inc.

A motion was made by Commissioner Ben Castonguay to approve Consent Agreement which includes a civil penalty of \$500.00 and a Letter of Caution. The motion was seconded by Commissioner Marilyn Keating. The motion carried unanimously.

5. 2004-332 DCP Complainant v Jose LaTorre – Salesperson engaging in real estate activity without a license.

A motion was made by Commissioner Ben Castonguay to approve Consent Agreement which includes a civil penalty of \$250.00. The motion was seconded by Commissioner Marilyn Keating. The motion carried unanimously.

REAL ESTATE EXAMINATION RESULTS:

1. The Commission reviewed examination results for the months of November, December and January.

No questions or comments were noted.

MISCELLANEOUS:

1. Mr. Donald Kleeper-Smith, Economist, invited to appear before the Commission in the near future to address the issue of the Connecticut Housing Market.

This matter was tabled to the next Real Estate Commission meeting.

ADJOURNMENT:

The meeting concluded at 2:50 p.m.

No motion was made to this effect.

Respectfully submitted,

Judith R. Booth, Commission Secretary