

**STATE OF CONNECTICUT  
DEPARTMENT OF CONSUMER PROTECTION  
CONNECTICUT REAL ESTATE COMMISSION**

**Minutes of Meeting**

**April 6, 2011**

The Connecticut Real Estate Commission convened for a Meeting on Wednesday, April 6, 2011 at 9:23 a.m. in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Commissioners Present:	Barbara Thompson, Chairperson	(Salesperson – 3 <sup>rd</sup> District)
	Marilyn Keating, Vice-Chairperson	(Salesperson – 4 <sup>th</sup> District)
	Joseph B. Castonguay	(Broker – 2 <sup>nd</sup> District)
	Lana K. Ogrodnik	(Broker – 5 <sup>th</sup> District)
	Joseph H. Kronen	(Public Member – 1 <sup>st</sup> District)
	Theodore F. Ells, Esq.	(Public Member- 3 <sup>rd</sup> District)
	Morag L. Vance	(Public Member – 4 <sup>th</sup> District)

Commissioners Absent:	James Hoffman	(Salesperson – 4 <sup>th</sup> District)
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Commission Vacancy:	None
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Attorney General’s office:	None
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DCP Staff present:	Vicky Bullock, Staff Attorney	Legal Division
	Michele Erling, Real Estate Examiner	Real Estate Unit
	Kelly Harvey, Real Estate Examiner	Real Estate Unit
	Richard Maloney, Director	Trade Practices Division
	Howard Osden, Commission Secretary	Occ/Pro Licensing Division

Public Present:	Larry Hannafin	Leon Breece
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The next Meeting of this Commission is scheduled for Wednesday, June 1, 2011 at 9:15 a.m. in Room 126

Note: The administrative functions of the Boards, Commissions and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information contact Richard M. Hurlburt, Director at (860) 713-6135 or Fax: (860) 713-7230.

Agency Website: [www.ct.gov/dcp](http://www.ct.gov/dcp)

Division E-Mail: [occprotrades@ct.gov](mailto:occprotrades@ct.gov)

1. **MINUTES**

- a. Review Minutes of Meeting of February 16, 2011.

**It was moved by Commissioner Vance and Castonguay 2<sup>nd</sup>, and the vote carried to approve the Minutes as amended, with Commissioner Ells abstaining.**

2. **GUARANTY FUND APPLICATIONS**

- a. 2011-44 – Anthony Prezioso vs. Thomas Cimini d/b/a Edgewood Realtors, LLC.

**After discussion, it was moved by Commissioner Vance, Commissioner Castonguay 2<sup>nd</sup>, and the vote carried unanimously to approve the guaranty fund application for the amount of \$25,000.00.**

3. **FORMAL HEARING**

None

4. **TRADE PRACTICE ENFORCEMENT REPORT**

- a. Inspector Harvey advised the Commission as to the status of the current CE audit, advising that approximately 175 people remain non-compliant at this time and that third letters are going out to these individuals.

5. **CONSENT AGREEMENTS**

None

6. **CHRO APPLICANTS APPEARING**

- a. 2010-141 – Requests permission to take salesperson exam

Applicant not present. Item marked over for June 1st meeting.

- b. 2010-268 – Request for additional information

Applicant not present. Attorney Bullock will close out the item, as the application expires in June 2011.

- c. 2010-229 –Request for Additional Information - Breece, Leon (present)

**After discussion, it was moved by Commissioner Kronen, Commissioner Vance 2<sup>nd</sup>, and the vote carried unanimously to approve the applicant for the Salesperson exam. Attorney Bullock advised that a training manual will be sent, which calls for a report to be returned to the Department after one year.**

- d. 2010-130 – Request for reconsideration of application

Applicant not present. Item marked over for June 1<sup>st</sup> meeting. Attorney Bullock will send a letter advising the applicant that he must appear at that meeting.

7. **REAL ESTATE APPLICATIONS/WAIVERS**

None.

8. **REQUEST FOR CONTINUING EDUCATION WAIVER**

None.

9. **NEW BUSINESS**

- a. Richard Maloney, Director of the Trade Practices Division of the Department of Consumer Protection, apprised the Commission of the Department's proposal to create a credential for Real Estate courses in the Departmental database and allowing online access to providers, which would allow providers to download & submit applications and which, eventually, will call for a per-course fee when courses are submitted for approval. Once approved, the course availability information will then go out to the public website for use by applicants and licensees. Creating these processes will take approximately six weeks. Director Maloney further apprised the Commission that through discussion an offer has been made by the UCONN Center to potentially create a position to approve course submittals, subject to their (UCONN Center) ability to fund the position. These changes are expected to provide numerous advantages including: revenue enhancement, freeing Commissioner Ogrodnik from the time consuming reviewing and approving of applications, and freeing the time of one dedicated Departmental staff person from the task of handling the data entry, correspondence and filing generated by the courses and providers. On April 29, Director Maloney will meet with instructors during the instructor seminar advising them of the new procedures. The online module should be online and tested at some point in the month of May, but may not be fully operational by July 1, 2011. The Commission advised Directory Maloney that he could access the ARELLO and NCSL websites, which may provide information as to what other states are doing in this regard.
- b. Attorney Bullock brought forth a matter concerning a compliance meeting that had taken place which she had been asked to bring before the Commission in an anonymous fashion to seek guidance from the Commission on how next to proceed. Inspector Erling then gave a detailed oral presentation of the facts of the complaint to the Commission, and indicated that the issues for which the Department seeks guidance are concerning the level of the brokers liability, if any, and as to whether or not the Department has jurisdiction over the respondent, a licensed salesperson, in consideration of State Statute *Sec. 20-329, Exceptions concerning the licensure of brokers and salespersons*, particularly whether or not the respondent was actually "engaging in the real estate business" in that he was acting on his own behalf and not on behalf of another in the transaction and did not receive a fee. **After discussion, it was the sense of the Commission that the complaint investigation should proceed.**
- c. Inspector Erling brought to the attention of the Commission that Commission member Lana Ogrodnik had been named a top broker by *Connecticut* magazine and wished to offer Commissioner Ogrodnik congratulations. This announcement was met with a round of applause from all in attendance.
- d. Larry Hannafin brought to the attention of the Commission that the Commissioners, in view of their impending recess, were welcome to attend "Realtor Day", which was also taking place this day at the Bushnell Theatre, and reported that for the first time a sitting Governor appeared at the forum.

Mr. Hannafin said Governor Malloy spoke to the 788 assembled Realtors and gave an overview of his budget proposal, including his proposed “50/50 combination” of spending cuts and tax increases to balance the state budget.

**10. OLD BUSINESS**

- a. Licensees exempted from CE requirements for 2012.

**It was moved by Commissioner Vance, Commissioners Ells 2<sup>nd</sup>, and the motion carried with Commissioner Kronen voting in favor, that the Commission’s licensee members: Barbara Thompson, Marilyn Keating, Joseph Castonguay, Lana Ogrodnik, and James Hoffman, be exempt from the CE requirement for 2012. Chairman Thompson, Commissioners Keating, Castonguay, and Ogrodnik recused themselves from this vote.**

**11. RECESS**

- a. Chairman Thompson called for a recess of the meeting at 10:40 a.m. until such time as the Commission could reconvene and move into executive session for a presentation of a formal request by Alan Ponanski, Assistant Attorney General.

**12. RECONVENE**

- a. Chairman Thompson called for the meeting to reconvene at 11:15 a.m. and immediately moved into executive session. The Commission exited executive session at 11:30 a.m. **It was moved by Commissioner Keating, Commissioner Kronen 2<sup>nd</sup>, and the motion carried unanimously to accept the stipulation as proposed by Attorney Ponanski regarding the Mary New case, with the following added stipulation: that she is to present the complete file for all property addresses for buyer/client, including but not limited to, paperwork for all transactions, including listings and buyer/agency and dual agency, all property addresses for which she has listings, buyer agency contracts for unrepresented parties, sales agreements, logs for deposits, listing agreements, disclosures, rescission of contracts, and home inspections for the length of the probationary period. Commissioner Vance was absent for this vote.**

**13. ADJOURNMENT**

**It was moved by Commissioner Kronen, Commissioner Castonguay 2<sup>nd</sup>, and the board voted unanimously to adjourn the meeting at 11:33 a.m. Commissioner Vance was absent for this vote.**

Respectfully Submitted,  
Howard Osden, Jr., Commission Secretary