

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

**Minutes of Meeting**

**June 5, 2013**

The Connecticut Real Estate Commission convened on Wednesday, June 5, 2013 at 9:15 a.m. in Room-126 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Commissioners Present: Marilyn L. Keating, Acting 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)  
Theodore F. Ells, Esq. (Public Member- 3<sup>rd</sup> District)  
James B. Hoffman (Salesperson – 4<sup>th</sup> District)  
Morag L. Vance (Public Member – 4<sup>th</sup> District)  
Joseph H. Kronen (Public Member – 1<sup>st</sup> District)

Commissioners Absent: None

Commission Vacancy: Salesperson – 3<sup>rd</sup> District (1)

Attorney General's Office: Alan N. Ponanski, Assistant Attorney General

DCP Staff Present: Michele Erling Richard Maloney  
Kelly Harvey Matthew Micari - Intern  
Vicky Bullock Kristine Victor - Intern  
Robin Washbond

Public Present: Larry Hannafin Judith Johannsen  
Dan Walton Joseph Grippe, Esq.  
Jeffrey Mirman, Esq. Edward Parker  
Ronald Procko John Morgan  
Alfred Surprenant Edward Marcus, Esq.

The next meeting of this Commission is scheduled for Wednesday, August 7, 2013 at 9:15 am in Rm-126

## **MINUTES OF PREVIOUS MEETINGS**

It was moved by Commissioner Ogradnik, Commissioner Ells 2<sup>nd</sup>, and the motion carried to approve the minutes of the April 3, 2013 CT Real Estate Commission meeting as amended.

## **COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY**

Richard Maloney, Director of Trade Practices, introduced Real Estate interns Kristine Victor and Matthew Micari to the Commission. Kristine and Matthew attend the University of Connecticut and have joined DCP for the summer to provide administrative support to the Real Estate and Appraisal staff.

## **DECLARATORY RULING PROCEEDING**

### **Petition for Declaratory Ruling from Toll Brothers, Inc.**

Pursuant to Connecticut General Statutes, Section 4-176, Toll Brothers Inc. has asked the Real Estate Commission to issue a Declaratory Ruling as to the applicability of Connecticut General Statutes, Section 20-311 and Section 20-325 and Section 20-328-8a of the Regulations of Connecticut State Agencies on a proposed Recommended Homebuyer program at Toll Brothers communities in Connecticut.

### **Commissioner Ogradnik read into the record the Declaratory Ruling issued by the Connecticut Real Estate Commission:**

*Pursuant to Connecticut General Statutes, Section 4-176 et seq., the Commission issues the following Declaratory Ruling in response to the Petition of Toll Brothers, Inc. concerning the legality of money paid to unlicensed third parties.*

*The Commission finds that this specific program is a violation of Connecticut General Statutes Sections 20-311 (1)(a) and 20-325, and Section 20-328-8a of the Regulations and its spirit, especially the statutory language of 20-311 (3) which states “ [e]ngaging in the real estate business” means acting for another and for a fee, commission or other valuable consideration in the listing for sale, selling, exchanging, buying or renting, or offering or attempting to negotiate a sale, exchange, purchase or rental of, an estate or interest in real estate...”. The facts and testimony presented to the Commission show an existing homeowner acting for a third party (Toll Brothers) and for valuable consideration (money) in the selling of real estate to a buyer.*

### **Conclusion:**

*The proposed, very specific Toll Brothers, Inc. program of providing money to an existing homeowner in a Toll community who had referred a buyer of a new Toll home is a violation of Connecticut General Statutes Sections 20-311 (1)(a) and 20-325, and Section 20-328-8a of the Regulations.*

**It was moved by Commissioner Ogradnik, Commissioner Ells 2<sup>nd</sup>, and the motion carried to accept the Declaratory Ruling. Commissioner Castonguay opposed. Commissioner Kronen recused himself from this matter.**

## **CHRO**

### **Jayvell Washington – RES.795689**

This matter was postponed to the August meeting.

### **Ronald Procko - RES.0793803**

Mr. Procko appeared before the Commission with a letter from his sponsoring broker and provided an update on his training, progress and activities as a Salesperson as required by the Real Estate Commission at their June 2012 meeting.

### **Brian Kirk – RES.0796697**

This matter was taken off the agenda.

## **REAL ESTATE GUARANTY FUND APPLICATION**

### **Case# 2013-82 - Margaret Mott vs. Stacy Skeen (REB.757167)**

It was moved by Commissioner Vance, Commissioner Ogrodnik 2<sup>nd</sup>, and the motion carried to approve payment to Ms. Mott in the amount of \$25,000 from the Real Estate Guaranty Fund.

## **NEW BUSINESS**

### **Edward L Parker / America's Homes & Communities Real Estate LLC (REB.757601) Motion for Reconsideration**

The Commission denied Mr. Parker's request for reconsideration. He was advised to contact his State Senator or Representative to discuss his concern regarding the Real Estate Laws and Regulations.

### **PSI - CT Real Estate Exam Results – School Summary**

Real Estate Examiner Michele Erling provided a summary of the Connecticut Real Estate exam statistics for May 1, 2012 – April 30, 2013.

Commissioner Keating called for a short recess at 10:30 a.m. and the meeting reconvened at 10:45 a.m.

## **REAL ESTATE APPLICATIONS/WAIVERS**

### **Willard Finkle, Jr – Seeking equivalency credit for P & P course taken in Florida in 2009**

It was moved by Commissioner Castonguay, Commissioner Ogrodnik 2<sup>nd</sup>, and the motion carried to grant equivalency credit for the Principles and Practices Course taken in Florida and that Mr. Finkle must take both portions (State and General) of the licensing exam.

**Alfred Surprenant – New Broker application - Seeking waiver of pre-licensing education and waiver of national portion of exam**

It was moved by Commissioner Castonguay, Commissioner Ogrodnik 2<sup>nd</sup>, and the motion carried to waive the pre-licensing education and the national portion of the licensing examination.

**Joshua Martin – Salesperson applicant seeking waiver of a portion of Principles and Practices Course**

Mr. Martin withdrew his request.

**Allison Blanchard – New Salesperson application - Seeking equivalency credit for P & P course**

It was moved by Commissioner Castonguay, Commissioner Hoffman 2<sup>nd</sup>, and the motion carried to deny Ms. Blanchard’s request for equivalency credit for the Principles and Practices Course.

**CONSENT AGREEMENT**

**Docket # 2013-78**

It was moved by Commissioner Vance, Commissioner Kronen 2<sup>nd</sup>, and the motion carried to accept the Consent Agreement as presented by DCP.

**2012-44 & 2011-427**

It was moved by Commissioner Vance, Commissioner Ogrodnik 2<sup>nd</sup>, and the motion carried to accept the Consent Agreement as presented by DCP.

**COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY**

None

**ADJOURNMENT**

It was moved by Commissioner Vance, Commissioner Castonguay 2<sup>nd</sup>, and the motion carried to adjourn the meeting at 11:40 a.m.

Respectfully Submitted,

Robin Washbond  
Commission Secretary

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: [DCP.OccupationalProfessional@ct.gov](mailto:DCP.OccupationalProfessional@ct.gov)