

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

**Minutes of Meeting**

**March 7, 2007**

The Connecticut Real Estate Commission convened for a Meeting on Wednesday, **March 7, 2007** at 9:15 a.m. in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Commissioners Present:      Bruce H. Cagenello, Chairman                      (Broker - 1<sup>st</sup> District)  
   Joseph B. Castonguay,                                      (Broker – 2<sup>nd</sup> District)  
   Lana K. Ogradnik    (Broker – 5<sup>th</sup> District)  
   Marilyn Keating    (Salesperson – 4<sup>th</sup> District)  
   Theodore F. Ells    (Public Member- 3<sup>rd</sup> District)  
   Joseph H. Kronen    (Public Member – 1<sup>st</sup> District)

Commissioners Absent:      Barbara Thompson    (Salesperson – 3<sup>rd</sup> District)

Commission Vacancy:      Public Member (1)    4<sup>th</sup> District

Attorney General:

DCP Staff present:              Sallie Pinkney, Commission Secretary                      Occ/Pro Licensing Division  
   Lauren Rubino, Supervisor Director                              Real Estate Unit  
   Linda Roberts, Executive Assistant                                Commissioner's Office  
   Michele Erling, Real Estate Examiner                            Trade Practices  
   Joan Emerick, Real Estate Examiner                                Real Estate Division  
   Richard Maloney, Director    Trade Practices

Public Present:                      Larry Hanafin  
   Bunny Kyle  
   John Sable

The next Meeting of this Commission is schedule for Wednesday, May 2, 2007 at 9:15 a.m. in Room 126. As called for by Chairperson Cagenello.

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 Lauren Rubino, Real Estate Supervisor and Real Estate Commission Administrator, at (860) 713-6146 or visit our website at [www.ct.gov/dcp](http://www.ct.gov/dcp).

1. **MINUTES:**

Review Minutes of February 7, 2007 – tabled until next meeting

2. **CONSENT AGREEMENT**

a. National Realty LLC and/or National Realty Incorporated/Mitchel Zavala, Broker/Owner Doctet #2007-943 Unlicensed Legal Entity.

**Com. Kronen motioned to accept the agreement. Com. Castonguay 2<sup>nd</sup>, and the vote carried unanimously.**

3. **TRADE PRACTICE ENFORCEMENT REPORT**

a. Richard Maloney, Director, and Michel Erling, Examiner of Trade Practice Division presented the following reports:

**i. The Metrics Report 2006:**

There were a total 246 complaints reported  
186 of those cases are closed  
60 cases are still open.

**ii. 2006 Closed Complaint Status and Trends Report:**

1. Thirteen (13) RE Compliance Hearings were held

- Five (5) Civil Penalties paid
- Two (2) Voluntary Surrender of License
- One (1) Placed on Probation
- One (1) Inactive license upon renewal
- Four Dismissed
- One (1) Formal Hearing- resulting in revocation
- Two (2) AVC (Assurance of Voluntary Compliance)

2. One (1) Formal Hearing

- License revoked

3. Four (4) Criminal Investigations

- One (1) Engaging without a License – Resulting in an arrest, and forward to Criminal Court
- One (1) Conducting an Real Estate Auction without a Broker present – Resulting in an Arrest Warrant and awaiting trial.
- Two (2) Engaging in Real Estate Business without a Real Estate License – Resulting in Arrest Warrants and pending in local police departments.

**iii. Top Six Categories of Complaints were as follows:**

Contractual  
Ethical Conduct  
Misrepresentation  
Disclosure  
Unlicensed  
Negligence

4. **NEW BUSINESS**

- a. **Reciprocity** Joan Emerick presented a Mutual Recognition Licensing Agreement between The Connecticut Real Estate Commission and Florida Real Estate Commission.  
**Com. Ells motioned to accept the agreement. Com. Kronen 2<sup>nd</sup>, and the vote carried unanimously.**
- b. Item for Discussion: In the matter of 51% ownership of a Real Estate company, Laureen Rubino, Real Estate Supervisor will investigate, and will check with other states on how they deal with the 51% Broker ownership. **Elisa Nahas, DCP Attorney is looking into “What is the intent of the Legislation”. In addition Jerry Padula, Legislative Liaison submitted a temporary fix to the 51% problem for applicants that applied for a license prior to 10/01/05 that would not fall under the new application requirement**
- c. **Item for Discussion:** A salesperson who owns 49% of a legal entity. A broker owns 51% of the legal entity. Would it be a misrepresentation to the public to have the name of the legal entity be the name of the salesperson? Can the legal entity be names after the salesperson? **Com. Kronen motioned that a legal entity can not be named after someone who does not hold a Broker’s license. Also entities that are currently operating in this manner should receive written notice sighting the statues, and inform them of their illegal practice. Com. Keating 2<sup>nd</sup>, and the vote carried unanimously.**
- d. **Item for Discussion:** Promotional advertising by a licensee offering rebate to a charitable organization. Since the advertising is in a publication that only reaches a certain population the question is whether the charitable organization is engaging in the real estate business.  
**Com. Castonguay motioned that advertising in a non profit organizations that would result in commissions paid to a non-license Real Estate Salesperson or Broker is illegal. Com Ells 2<sup>nd</sup>, and the vote carried unanimously.**

5. **REQUEST FOR CONTINUING EDUCATION EQUIVALENCY**

- a. Thomas Melzen, Real Estate Salesperson. Completed course” Negotiating Effectively with a Diverse Clientele”. Requesting 6 hours of elective credit.  
**Com. Kronen motioned to deny his request. Com. Ells 2<sup>nd</sup>, and the vote carried unanimously.**

6. **REAL ESTATE BROKERS & SALESPERSON APPLICATION**

- a. **Com. Ogrodnik motioned to add the following applicants to the agenda: Mark Burlison, Lester Cranmer, and Lisa Sullivan. Com. Castonguay 2<sup>nd</sup>, and the vote carried unanimously.**
- b. **Davis Linda, Salesperson applicant.** Currently licensed in New Jersey. She has completed 75 hours of pre-licensing education. Recommended by DCP to allow her to take the State portion of the State Licensing exam.  
**Com. Ells motioned to approve her application. Com. Castonguay 2<sup>nd</sup>, and the vote carried unanimously.**

- c. **Fernandez-Romano, Cynthia, Salesperson (attorney) applicant.** Law school transcript from Temple University. Recommended by DCP to allow her to take both portions of the State Licensing exam.  
**Com. Keating motioned to approve her application. Com. Ogrodnik 2<sup>nd</sup>, and the vote carried unanimously.**
- d. **Keenan, Cynthia J., Salesperson (attorney) Applicant** Law school transcript from the John Marshall Law School. Recommended by DCP to allow her to take both portions of the State Licensing exam.  
**Com. Keating motioned to approve her application. Com. Castonguay 2<sup>nd</sup>, and the vote carried unanimously.**
- e. **LoFrisco, Anthony Jr., .Salesperson applicant** Currently licensed in Virginia. Completed 60 hours of pre-licensing education. Recommended by DCP to take State portion of the State Licensing exam.  
**Com. Ells motioned to approve his application. Com. Castonguay 2<sup>nd</sup>, and the vote carried unanimously.**
- f. **Padilla, Aileen, Salesperson applicant** Currently licensed in California. Completed 60 hours of pre-licensing education and 60 hours in Connecticut. Recommendation by DCP to take the State portion of the State Licensing exam.  
**Com. Kronen motioned to approve her application. Com. Keating 2<sup>nd</sup>, and the vote carried unanimously.**
- g. **Cranmer, Lester, Salesperson applicant** Currently licensed in Pennsylvania and New jersey. Completed 75 hours in NJ. Recommendation by DCP to state portion of the State Licensing exam.  
**Com. Kronen motioned to approve his application. Com Ogrodnik 2<sup>nd</sup>, and the vote carried unanimously.**
- h. **Burlison, Mark, Salesperson applicant requesting** to take the General Portion of the State exam again. He has taken the exam 8 times, and failed.  
**Com. Ogrodnik motioned to allow him to take the General Portion of the exam one (1) more time. However, he must take the exam before August, 2007.**
- i. **Sullivan, Lisa, Salesperson applicant** requesting to take the exam one (1) additional time after 4 failures.  
**Com. Kronen motioned to deny her request, she needs to re-apply for the State Licensing exam. Com Castonguay 2<sup>nd</sup>, and the vote carried unanimously.**

## 7. MISCELLANEOUS

- a. Monthly Status Report, Real Estate Guaranty Fund was reviewed
- b. ARELLO's Accredited Test Providers was reviewed
- c. **Oyola, Gilberto, Requesting a Waiver of Continuing Education**, he is on Active military Duty, and was mobilized for Operation Iraqi in July 2005. He is now released from active duty.

**Com. Kronen motioned to approve his request. Com. Castonguay 2<sup>nd</sup>, and the vote carried unanimously.**

- d. Com. Joe Kronen questioned what the motivation for reciprocating with other states is. It was stated that applicants/Licensee make request, along with other states, and Larry Hanafin (general public) stated that the Federal Trade Commission suggested that states open their borders so we wouldn't be practicing unfair trades.
- e. Com. Keating questioned who handles CHRO Real Estate applications. Laureen Rubino informed her that she and Richard Hurlburt are currently reviewing the application and making recommendations. However, effectively immediately Ed McMahon and Laureen will be reviewing them and making recommendations. The Commission would like to review all CHRO applications that are still on probation and/or parole (this was the previous practice).

**8. ADJOURNMENT**

**Com. Ogradnik motioned to adjourn the meeting. Com. Keating 2<sup>nd</sup>, and the vote carried unanimously. Meeting adjourned at 11:50 a.m.**

Respectfully Submitted,  
Salle Pinkney, Commission Secretary  
Occupational Professional Licensing Division