

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

**Minutes of Meeting**

**February 6, 2008**

The Connecticut Real Estate Commission convened for a Meeting on Wednesday, February 6, 2008 at 9:15 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

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

Commissioners Absent:      James Hoffman, (due to surgery)      (Salesperson – 4<sup>th</sup> District)

Commission Vacancy:      None

Attorney General's office:      Alan Ponanski, Assistant Attorney General

DCP Staff present:              Sallie Pinkney, Commission Secretary      Occ/Pro Licensing Division  
   Lauren Rubino, Real Estate Supervisor      Real Estate Unit  
   Vicky Bullock, Attorney                      Legal Division

Public Present:                      Al Carbone                      Larry Hannafin                      Frank T. Lane  
   Bunny Kyle                      Jim Kyle                              Brian J. Wheelin  
   Eric McCarthy                      Patricia McCarthy                      Chris Huntley  
   Nicole Ball                              Michael Simko                      Robert Meyer  
   Marie M. Peterson                      Jeff Arakellian                      Gina Micelotta  
   Katherine Rossi

The next Special Meeting of this Commission is scheduled for Monday, March 10, 2008 at 9:30 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 Lauren M. Rubino, Real Estate Supervisor and Real Estate Commission Administrator, at (860) 713-6135 or visit [www.ct.gov/dcp](http://www.ct.gov/dcp).

1. **AGENDA/MINUTES:**

- a. **It was moved by Commissioner Vance, Commissioner Kronen 2<sup>nd</sup>, and the vote carried to add the following items to the agenda**

**Educational Equivalency:**

Leonard Blum – **It was moved by Commission Ogrodnik, Commissioner Ells 2<sup>nd</sup>, and the vote carried to grant him 3 hours of elective continuing education credit for 2008.**

David Mack - **It was moved by Commission Ogrodnik, Commissioner Ells 2<sup>nd</sup>, and the vote carried to grant him 6 hours of elective continuing education credit for 2008.**

Arthur Ross - **It was moved by Commission Keating, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to grant him 3 hours of elective continuing education credit for 2008.**

**Request for Waiver of Continuing Education**

Amy Twill- **the Commission recommended she take the course online.**

**Request to take the Broker's exam**

Patricia Reed – **It was moved by Commission Ogrodnik, Commissioner Castonguay 2<sup>nd</sup>, and the vote carried to allow her to take the exam providing she take 30 hours of Appraisal.**

**Conflict of Interest:**

Donald Kleeper-Smith, Chairman Governor's Council of Economic Advisors. **It was moved by Commissioner Ogrodnik, Commissioner Ells 2<sup>nd</sup>, and the vote carried to place his license on hold.**

**Lawsuit**

Colt Gateway, LLC vs State of CT Real Estate Commission. **It was moved by Commissioner Ogrodnik, Commissioner Kronen 2<sup>nd</sup>, and the vote carried to seek representation/advice from Attorney Alan Ponanski, Assistant Attorney General. Attorney Ponanski will need a written request from the DCP staff.**

**Settlement Agreement**

Wilder Richman Management Corp, Robert H. Wilder, Jr. Designated Broker.

Gina Ferrigno paid Twelve Hundred dollars (\$1,200.).

**It was moved by Commissioner Ells, Commissioner Keating 2<sup>nd</sup>, and the vote carried to accept the above Settlement Agreement.**

- b. **The Minutes of December 5, 2007 were reviewed. It was moved by Commissioner Kronen, Commissioner Castonguay 2<sup>nd</sup>, the vote carried to accept the Minutes as amended.**

2. **GUARANTY FUND**

- a. McCarthy vs Cimini- Patricia & Erick McCarthy represented by Attorney Brian J. Wheelin appeared before the Commission to request a refund from the Real Estate Guaranty Fund.

Assistant Attorney General Alan Ponanski stated “The following statement is neither an opinion of the Attorney General nor is it an opinion of the Office of the Attorney General but is merely an opinion of its author.”

Based upon both the affirmative vote and interpretation by the Real Estate Commission, pursuant to CGS 20-324a entitled” Real Estate Guaranty Fund”, to approve a second application for reimbursement by the McCarthy family from the Guaranty Fund for a second separate real estate transaction involving fraud by a licensed real estate broker; and based upon my review of the same, I agree with the decision of the Commission that a second payment should be approved and payment made from the Guaranty Fund in this matter based upon the two distinct circumstances of the frauds committed and judgment of the court of the same”.

**It was moved by Commissioner Kronen, Commissioner Ells 2<sup>nd</sup>, and the vote carried to award the McCarthy’s Twenty One Thousand, Six Hundred, and Forty Five Dollars (\$21,645.00) from the Guaranty Fund.**

- b. The Guaranty Fund Status Report was reviewed.
- c. Commissioner Vance would like to know where the Guaranty Fund appear in the annual budget

3. **CONSENT AGREEMENTS**

- a. Weichert Realtors, Quinnipiac Properties Fred J. Gettner allowing an unlicensed broker to engage, Civil Penalty of \$500. was paid, and the consent agreement was signed. **It was moved by Commissioner Ogrodnik, Commissioner Kronen 2<sup>nd</sup>, and the vote carried to accept the agreement.**

4. **SETTLEMENT AGREEMENTS FOR THE 2006 REAL ESTATE CE AUDIT**

- a. Coriano Gilberto Res.0767789 paid civil penalty of \$150. **It was moved by Commissioner Kronen, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to accept the agreement.**
- b. Zeerip Michael Res 0745107 paid civil penalty of \$1,200. **It was moved by Commissioner Kronen, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to accept the agreement.**
- c. Carbone Associates, LLC-Alphonse A. Carbone-Broker-requesting reduction of fine. **It was moved by Commissioner Kronen, Commissioner Ells 2<sup>nd</sup>, and the vote carried to postpone this item until March’s meeting, in order to verify proof of payment.**
- d. Lane, Frank 3<sup>rd</sup>, Reb. 0383785 –requesting reduction of fine. **It was moved by Commissioner Kronen, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to postpone this item until March’s meeting, in order to verify proof of medical hardship.**
- e. Rizza , John N. Res. 0765147 (lapsed) postpone until March

- f. Cooney, Joseph M.- made a payment, payment schedule, and signed agreement. **It was moved by Commissioner Keating, Commissioner Ells 2<sup>nd</sup>, and the vote carried to accept the agreement.**
- g. Hampton II, Adolphus – payment plan. Postpone until March

5. **APPEARING BEFORE THE COMMISSION**

- a. James Kyle and Education Provider presented concerns to the Commission regarding the Appraisal Principle course required for Broker license. Mr. Kyle thinks the Appraisal Procedure Course is a better course and should be the required course. Commissioner Ogrodnik suggested that an opinion be sought from the CT Real Estate Appraisal Commission.

6. **APPLICANTS**

- a. **Katherine Rossi** appeared before the Commission seeking a waiver of pre-licensing education requirement to sit for the CT. Broker's Exam. **It was moved by Commissioner Kronen, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to grant her the opportunity to sit for the Broker's exam after she take 12 hours continuing education including 2 mandatory courses, and she presents proof of Appraisal course in Pennsylvania.**
- b. **Michael Simko** appeared before the Commission seeking to appeal the CREC decision to require him to take Appraisal I or Appraisal Principles prior to sitting for the CT. broker's exam. **It was moved by Commissioner Vance, Commissioner Castonguay 2<sup>nd</sup>, and the vote carried to approve his application.**
- c. **Higgins, Laura:** Applying for real estate salesperson license. Seeks waiver of 30 hours of Principles & Practice. She has been an instructor of since 2004 for ECAR. **It was moved by Commissioner Castonguay, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to approve her for 30 hours of pre-licensing credit. However, she still needs to take another 30 hours of Principles & Practice from a school she is not affiliated with before her application can be approved.**

7. **CHRO APPLICATIONS**

- a. New Review Process – CREC will no longer approve CHRO applications. All CHRO applications will be forwarded to Richard Maloney, Director of Trade Practice Division.

8. **REQUEST FOR WAIVER OF CONTINUING EDUCATION**

- a. Anita Pereida, Reb.0531750 – Seeking Medical Hardship for 2006 C.E – **It was moved by Commissioner Kronen, Commissioner Ells 2<sup>nd</sup>, and the vote carried to request her to submit a medical documentation from her MD and/or take the course on line.**
- b. Catherine Poehler, Res. 0545609 Owner/instructor of Creative Real Estate Instruction. Seeks waiver of 12 hours of C.E. for 2008. **It was moved by Commissioner Ogrodnik, Commissioner Ells 2<sup>nd</sup>, and the vote carried to grant her 12 hours of continuing education.**

9. **REQUEST FOR EQUIVALENT CONTINUING EDUCATION CREDIT**

- a. Lewis Diane - Res.0764070 Seeks 6 hours of 2008 elective C.E. credit for CRS 201”Listing Strategies for the Residential Specialist” **It was moved by Commissioner Kronen, Commissioner Keating 2<sup>nd</sup>, and the vote carried to grant her 12 hours of continuing education.**
- b. Webster, Christine - Res 0769690 Seeks 2008 C.E. credit for a 36 hour Real Estate Law course. #LGL H104 (also know as Real Estate Practice) NVCC, **It was moved by Commissioner Keating, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to grant her continuing education credit.**
- c. Rosa Barry - Seeks 6 hours of elective 2008 C.E. credit for SRES course with exam taken May 14 & 15 2007 in Washington, D.C. **It was moved by Commissioner Ogrodnik, Commissioner Castonguay 2<sup>nd</sup>, and the vote carried to grant her 6 hours of elective credit.**
- d. Swircenski, Kim - Reb; 0756103 Seeks 6 hours of 2008 elective C.E. credit for Financial Accounting 131. **It was moved by Commissioner Ells, Commissioner Kronen 2<sup>nd</sup>, and the vote carried to deny her request. The course taken is unrelated to Real Estate.**
- e. Heneghan James - Reb 0751010 Seeks 3 hours of 2008 elective C.E. credit for Ethics in Today’s Real Estate & 3 hours for Property Disclosures. Both taken in New Hampshire. **It was moved by Commissioner Ogrodnik, Commissioner Kronen 2<sup>nd</sup>, and the vote carried to approve him for 3 hours of 2008 continuing education electives.**
- f. Zappone David - Seeks 60 hours of Principles and Practices credit for 45 hours of Real Estate Principles and 45 hours of Real Estate Practices taken at Los Angeles Valley College as well as a 45 hour Appraisal I course. He has completed CI 101 and CI 401 for which he is seeking elective credit of 30 hours. **It was moved by Commissioner Ogrodnik, Commissioner Castonguay 2<sup>nd</sup>, and the vote carried to grant Mr. Zappone 60 hours pre-licensing credit.**

10. **EDUCATION**

- a. Discussion regarding educational equivalency, “blanket course approval, 60 hours of Principles & Practices, 30 hours of Principles & Practice and any other appropriate course. **It was moved by Commissioner Ogrodnik, Commissioner Keating 2<sup>nd</sup>, and the voted carried to grant individuals 12 hours continuing education credit for 30/60 hours of P & P**
- b. **It was moved by Commissioner Kronen, Commissioner Ells 2<sup>nd</sup>, and the vote carried to grant 12 hours of continuing education credit to the Real Estate Commission Members, due to their experience/training. Commissioners Ogrodnik, Castonguay, Keating, and Chairperson Thompson abstained.**
- c. **Chairperson Thompson stated that the Real Estate Commission Members should visit the CT Real Estate Education providers to take a closer look at the schools’ educational process.**
- d. Jeff Arakelian & Gina Micelotta; Nicole Ball & Chris Huntley appeared before the Commission to appeal a denial of Current Issues in Real Estate I & II for on line delivery. **It was moved by Commissioner Ells, Commissioner Kronen 2<sup>nd</sup>, and the vote carried to approve schools to teach the mandatory courses online.**

- e. There was discussion regarding the Mandatory continuing education for the 2010 license renewal. The Commission Members will work on it, and have a draft by March 10, 2008

11. **NEW BUSINESS**

- a. The Commission answered Rick Scott's question regarding Commission Advance Payment to companies. The Commission stated that he could pay the agents their portion of the commission, and the agent can in turn pay the company, and he is not in violation. **It was moved by Commissioner Kronen, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to forward a letter to him stating that he can pay the agent and the agent can pay the company.**

12. **MISCELLANEOUS**

- a. Correspondence from the Toll Brothers Inc. requesting opinion of Sec.20-329 of the C.G.S. as to whether project managers constitute "owners" under Section 20-329 so as to qualify for an exemption from licensing under Section 20-311 of the C.G.S was reviewed
- b. Marie Peterson Program Coordinator for Naugatuck Community College requesting to sit for the Broker exam without the required pre-licensing education. **It was moved by Commissioner Vance, Commissioner Ells 2<sup>nd</sup>, and the vote carried to grant her the opportunity to take the exam. Providing she takes 30 hours of the required Appraisal course and 30 hours of related course from a school she is not affiliated with.**
- c. Information regarding the Office of Legislative Research. Acts Affecting Real Estate enacted during the 2007 regular and special session (For informational purposes) was reviewed.
- d. Odenwaler-Bensen, Michele Res. 0769658 Requesting license to be held in abeyance until she is no longer in a position of conflict of interest. Licensed since 1/23/2004. **It was moved by Commissioner Keating, Commission Kronen 2<sup>nd</sup>, and the vote carried to hold her license until she is no longer in a conflict of interest position, and she must apply, pay and take continuing education requirements within six months of no longer having conflict of interest position to have her license reinstated.**
- e. Murphy Jerome T. Res. Lapsed 5/31/2004 served as First Selectman of the Town of Brookfield, CT. from December 2003 to December 2007. Gave up license in order to eliminate a possible conflict of interest. **It was moved by Commissioner Ells, Commissioner Kronen 2<sup>nd</sup>, and the vote carried to approve him to receive his license.**
- f. Roland, Carolyn – Requesting to take the broker's exam at least 2 additional times this year, rather than waiting until fall of 2008. **It was moved by Commissioner Kronen, Commissioner Ogrodnik 2<sup>nd</sup>, and the vote carried to grant Ms. Roland the opportunity to take the Real Estate exam 2 additional times by 7/1/08.**

**13. SPECIAL MEETING**

- a. It was moved by Commissioner Kronen, Commissioner Keating 2<sup>nd</sup>, and the vote carried to hold a special meeting on March 10, 2008 @ 9:30 a.m.

**14. ADJOURNMENT**

- a. It was moved by Commissioner Ogrodnik, Commissioner Keating 2<sup>nd</sup>, and the vote carried to adjourn the meeting at 1:30 p.m.

Respectfully Submitted,  
Salle Pinkney, Real Estate Commission Secretary