

DRAFT ONLY

Office of Professional Regulation
National Life Building, North, Fl 2, Montpelier, VT

Real Estate Commission

Unapproved Minutes

December 15, 2011

Location: National Life Building, North, Fl 2, Montpelier, National Life Conference Room M2D

Commission Members and Staff Present: Gloria Rice, Claire Porter, Michelle Gosselin, Elizabeth Wilkel, Maretta Hostetler, David Raphael, Thomas Prindiville, Terry Gray, Judith Griffen, Colin Benjamin,

Public members Present: Liz Merrill, Michael Wrobel, Kyle Kershner, Teresa Merelman and Robin Jacobs

1. **8:30 - Education Committee**
2. **9:30 - Full Commission meeting – Called to Order at 9:35 a.m.**
3. **9:35 – Approved November 17, 2011 minutes:**
4. **9:40 - Chair’s Comments:** Maretta spoke about the CE policy and that the CE committee will be reviewing and drafting it for final approval. She also mentioned that David will now be the new CE committee Chair. This was motioned and seconded. All were in favor and the motioned passed. She also asked to have the Education Policy that is now on the Web taken off because it is outdated. Judith said she would take this off the web.
5. **9:45 - Status of Unprofessional Conduct Cases –** Carla Preston gave the status of the cases. There are 117 open cases at this time. Five are ready to be closed, 87 are ready for an I-Team meeting, 12 have charges filed or will have charges filed and the remaining 13 are under investigation.
6. **10:00 - Scheduled Licensing/Disciplinary Matters:**
 - a. A default hearing was held in the matter of Gordon Miller, Docket Number 2010-743. Colin Benjamin presided for the Board. Gabe Gilman, Prosecuting Attorney, was present for the State. The Respondent was not present. Attorney Benjamin reported on the notices to the Respondent. Gloria Rice made a motion, seconded by Elizabeth Wilkel to find the Respondent in default. All were in favor the motion passed. Attorney Gilman presented the State’s recommendation of indefinitely suspending the respondent’s license. Claire Porter made a motion to indefinitely suspend the Respondent’s license. Michelle Gosselin seconded the motion. There was a brief discussion on vicarious responsibilities; David Raphael motioned to amend the previous motion to suspend the brokerage firm. Attorney Benjamin made a suggestion to deal with one issue at a time and that they should look at only the issue at hand. David Raphael withdrew his motion. Elizabeth Wilkel then motioned to go into deliberative session. All were in Favor. Once convened after deliberative session the motion to suspend Mr. Miller’s license indefinitely was approved. All members present were in favor.
7. **Closing Reports:**
 - a. 2010-731 and 2010-749 – I-Team member, Elizabeth Wilkel – approved
 - b. 2010-583 – I-Team member, Michelle Gosselin – approved
 - c. 2010-219 – I-Team member, Gloria Rice – approved

8. **10:30 Inspectors** – Elizabeth Wilkel motioned to go into executive session to consider evaluation of personnel and to invite administrative staff, Terry Gray, Colin Benjamin and Judith Griffen. Motion was seconded by David Raphael and was approved by all present. Two interviews were done in executive session. The Commission did tell the two interviewees that they were both (Liz Merrill and Robin Jacobs) accepted as new inspectors for the office. Contracts are being drafted.
9. **11:30 Discussion Items**
 - a. Out of state firm updates – Terry is still in the drafting stage of this letter and will be sending the letter once it is completed.
 - b. Rules Survey Questionnaire was discussed in length. Liz Wilkel and David Raphael will work on this together and come back to the Commission with suggestions.
10. **11:45 - Ongoing Discussions:**
 - a. Rules update – Liz Wilkel updated the Commission that the February rules committee meeting would be cancelled and the next meeting would be in March.
11. **FYI: None**
12. **Public Comment:**
13. **Next Scheduled Meeting: January 26, 2012**
14. **Adjournment at 12:15 p.m.**

Real Estate Education Committee
Courses for review

Continuing Ed Express, LLC

A Guide to Navigating Transactions for 3 hours - denied

Code of Ethics Case Studies II for 3 hours - approved

Negotiate with Confidence & Power: Fundamentals for 3 hours - denied

Vermont Natural Resources Council in Cooperation with Vermont Department of Fish & Wildlife

A New Way of Seeing the Landscape: Tools for Helping Realtors and Engineers Plan and Develop with Natural Recourses in Mind for 4 hours – approved

Efficiency Vermont

2012 Better Building by Design Conference Day 1 for 4.5 hours – approved for 3 hours

2012 Better Building by Design Conference Day 2 for 4.5 hours - approved for 3 hours

Mortgage Bankers & Brokers Association of New Hampshire, Inc.

Understanding Today's Financing Options for 3 hours – approved for 2 hours

The CE Shop

Risk Management for 4 hours – approved

Paul Davis

Lead Safety for 2 hours – approved