

Open Minutes
Missouri Real Estate Commission
June 3, 2015
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri

The Missouri Real Estate Commission was called to order by Sharon Keating, Chairperson, at 8:00 a.m. on June 3, 2015, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Commission Members Present

Doris Carlin, Member (DC)
Charles Davis, Member (CD)
Twila Hillme, Member (TH)
Sharon Keating, Member (SK)
Stephen Kenny, Member (SMK)
Charles Misko, Public Member (CM)
Rosemary Vitale, Member (RV)

Staff Present

Joe Denkler, Executive Director
Darrell Chute, Investigation Supervisor
Carmen Cobb, Licensing Supervisor
Jeff Niemeyer, Examiner
Sarah Ledgerwood, Division Counsel
Craig Jacobs, Assistant Attorney General

To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

Ms. Keating called the meeting to order and roll call was taken with the following members present: Sharon Keating, Charles Misko, Charles Davis, Doris Carlin, Twila Hillme, Stephen Kenny, and Rosemary Vitale

Motion was made by Mr. Kenny and seconded by Mr. Misko to approve the open agenda. Motion carried unanimously.

Motion was made by Mr. Kenny and seconded by Ms. Carlin to go into closed session under Sections 610.021 (14) and 324.001.8, RSMo, for the purpose of discussing investigative reports, complaints, audits or other information pertaining to a licensee or applicant; under Section 610.021 (1), RSMo, for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; under Sections 610.021 (1) and 324.001.9, RSMo, for the purpose of deliberation on discipline; under 610.021 (14) and 324.001.8 RSMo for the purpose of discussing applicants for licensure; under 610.021 (7) RSMo for the purpose of discussing and/or reviewing testing and examination materials; under Section 610.021 (5) RSMo for the proceedings required pursuant to a disciplinary order concerning medical, psychiatric,

psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees and under the subsections of Section 610.021, RSMo for the purpose of reviewing and approving the closed minutes of one or more previous meetings. Motion carried unanimously.

Harry A. Watters

A disciplinary hearing was held in the matter of Harry A. Watters. Mr. Watters was not present and was not represented by legal counsel. Nichole Bock, Assistant Attorney General, represented the Commission and Sarah Ledgerwood, Division legal counsel, acted as advisor.

Steven W. Gildehaus

A probation violation hearing was held in the matter of Steven W. Gildehaus. Mr. Gildehaus was present and was not represented by legal counsel. Faraz Nayyar, Assistant Attorney General, represented the Commission and Sarah Ledgerwood, Division legal counsel, acted as advisor.

Donna L. Diamond

A disciplinary hearing was held in the matter of Donna L. Diamond. Ms. Diamond was not present and was not represented by legal counsel. Nichole Bock, Assistant Attorney General, represented the Commission and Sarah Ledgerwood, Division legal counsel, acted as advisor.

Brian S. Kramer

A disciplinary hearing was held in the matter of Brian S. Kramer. Mr. Kramer was not present and was not represented by legal counsel. Nichole Bock, Assistant Attorney General, represented the Commission and Sarah Ledgerwood, Division legal counsel, acted as advisor.

Barbara A. Wesley & Ressco LLC

A disciplinary hearing was held in the matter of Barbara A. Wesley and Ressco LLC. Ms. Wesley was not present and neither Ms. Wesley nor Ressco LLC were represented by legal counsel. Nichole Bock, Assistant Attorney General, represented the Commission and Sarah Ledgerwood, Division legal counsel, acted as advisor.

Motion was made by Ms. Vitale and seconded by Mr. Davis to go into closed session under Sections 610.021 (14) and 324.001.8, RSMo, for the purpose of discussing investigative reports, complaints, audits or other information pertaining to a licensee or applicant; under Section 610.021 (1), RSMo, for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; under Sections 610.021 (1) and 324.001.9, RSMo, for the purpose of deliberation on discipline; under 610.021 (14) and 324.001.8 RSMo for the purpose of discussing applicants for licensure; under 610.021 (7) RSMo for the purpose of discussing and/or reviewing testing and examination materials; under Section 610.021 (5) RSMo for the proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

and under the subsections of Section 610.021, RSMo for the purpose of reviewing and approving the closed minutes of one or more previous meetings. Motion carried unanimously.

Motion was made by Ms. Vitale and seconded by Ms. Carlin to approve the open meeting minutes from the April 1, 2015 Commission meeting. Motion carried unanimously.

Motion was made by Ms. Carlin and seconded by Ms. Vitale to approve the claims for per diem compensation and expense accounts. Motion carried unanimously.

PER DIEM

| | | |
|-----------------|------------|----------|
| Charles Davis | April 2015 | \$ 75.00 |
| Twila Hillme | April 2015 | \$131.25 |
| Stephen Kenny | March 2015 | \$101.00 |
| Stephen Kenny | April 2015 | \$ 75.00 |
| Charles Misko | March 2015 | \$117.07 |
| Charles Misko | April 2015 | \$ 75.00 |
| Rosemary Vitale | April 2015 | \$192.19 |

TRAVEL EXPENSE

| | | |
|-----------------|------------|----------|
| Charles Davis | March 2015 | \$ 53.69 |
| Charles Davis | April 2015 | \$ 41.44 |
| Twila Hillme | April 2015 | \$104.71 |
| Stephen Kenny | March 2015 | \$ 96.29 |
| Stephen Kenny | April 2015 | \$ 96.29 |
| Charles Misko | March 2015 | \$ 68.54 |
| Charles Misko | April 2015 | \$ 52.54 |
| Rosemary Vitale | April 2015 | \$107.30 |

ED REPORT

Mr. Denkler discussed information that was for information purposes: information regarding the renovations that are going to be made to the Main Conference Room; the new licensing system will not be going live on July 1, 2015 as previously thought; expense and per diem reports need to be to the administration office by the end of next week due to the end of the fiscal year; and if any of the Commissioners want a new picture in the official manual (blue book) the pictures must be to the administration office by Monday June 8, 2015.

At the April meeting it was requested that Mr. Denkler research when did 20 CSR 2250-7.090(5)(E) go into effect and why first time test takers were chosen as a standard measure. Mr. Denkler informed the Commissioners that based on his discussion with AMP using first time test takers helps to standardize the results and ensures candidates who test many times do not overly influence the results. AMP researched 2014 broker testers and determined there were only five testers who had tested more than three years prior to their testing in 2014. They estimated salespersons to be about 50. AMP emphasized caution of low first-time pass rates of small schools because of the low volume of testers for those schools because generally hundreds of testers are needed to have confidence in interpretations of the statics. Mr. Denkler found that first time passers have been the standard measure for at least the last twenty-eight years.

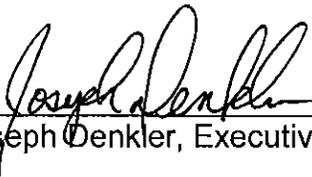
There was also discussion regarding the use of a student portal, but because RFP for testing services is already out, this would require an amendment to the RFP or just wait until RFP is put out again in 2018. Use of the student portal would help to avoid students selecting the wrong education provider for where they took their pre-license course.

Proposed Amendment language to 20 CSR 2250-3.010 Applications for License was reviewed. Motion was made by Mr. Kenny and seconded by Mr. Davis that the following amendments should be made in paragraph #5 and #7 – change “and will not be” to “without being” and remove “for the current licensing period”, then precede with the rule as amended. Motion carried unanimously.

Board President Sharon Keating informed the Commission that there was a Realtor’s call for action for the Governor to sign HB385.

Information was brought to the attention of the Commission by Board President, Sharon Keating regarding information she had received regarding a licensee’s recent advertisement of “If you buy a home through me, I will sell your home for free.” It was decided to table until the October 2015 meeting and bring it back for discussion.

Motion was made by Mr. Davis seconded by Ms. Vitale to adjourn the meeting. Motion carried unanimously.



Joseph Denkler, Executive Director

Approved by Commission on August 5, 2015