

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL
LICENSING
REAL ESTATE COMMISSION**

**MINUTES OF TELECONFERENCE
January 26, 2006**

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Real Estate Commission was held January 26, 2006, at the Atwood Building, Room 1500, Anchorage, Alaska.

Thursday, January 26, 2006

Call to Order

Chairperson Barbara Ramsey called the meeting to order at 10:36 a.m.

Roll Call

Members present constituting a quorum were:

Barbara Ramsey, Associate Broker, 3rd Judicial District

Members present via teleconference:

David B. Somers, Broker at Large
Gene DuVal, Associate Broker, 4th Judicial District
Bradley Fluetsch, Public Member
Roger Stone, Broker, 1st Judicial District
Tim Worthen, Public Member

Staff Present:

Sharon Walsh, Executive Administrator
Nancy Harris, Licensing Examiner
Margo Mandel, Investigator

Excused Absences:

Rita Wilson, Associate Broker, Broker at Large

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Nunes – 3004-05-016

Margo Mandel provided the Commission members with a Memorandum of Agreement in the matter of Sandra Nunes. Ms. Mandel's explained to the Commission, for the benefit of the new members, that a Memorandum of Agreement is a formal agreement between the Commission and the licensee regarding the alleged violations. It calls for certain sanctions, which are listed within the memorandum. Ms. Mandel explained to the Commission their options as outlined in the Nunes Memorandum of Agreement.

On a motion duly made by Fluetsch, seconded by Somers, it was

RESOLVED to accept the recommendation of the Memorandum of Agreement.

The Commission members discussed the motion on the table.

Motion failed due to lack of a second.

On a motion duly made by Fluetsch, seconded by Somers, it was

RESOLVED to reject the Memorandum of Agreement as stated and modify it to have the following items: license suspension of 1 year, the duration of the probation is acceptable following completion of 1 year suspension, additional education as noted is acceptable, civil fine is acceptable, the reprimand is acceptable, all of the other items are acceptable with the inclusion of a generally accepted auditing standard of all of her files. Send a letter to the brokerage office from the Commission regarding the concerns over their willingness to continue to employ a licensee who admitted to committing bank fraud and falsified the signature of another client. We also will inform the client whose name was forged of the outcome of Memorandum of Agreement and a copy of the MOA also forwarded to the client.

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Roll Call vote: Fluetsch- yes, Somers- yes, DuVal-yes, Stone-yes, Worthen-yes, Ramsey, yes.

All in favor. Motion passes.

C. Johnson License Application

Licensing examiner presented to the Commission the license application of C. Johnson who answered yes to personal screening question #1 regarding a felony.

On a motion duly made by Fluetsch, seconded by DuVal, it was

RESOLVED to accept the licensing examiner's recommendation for Casey Johnson to approve his license.

Roll call vote: Fluetsch- yes, Somers-yes, DuVal-yes, Stone-yes, Worthen-yes, Ramsey-yes.

All in favor. Motion passes.

O. Petrykievicz License Application

Licensing examiner presented to the Commission the license application of Oliver Petrykievicz who answered yes to personal screening question #1 regarding a felony.

On a motion duly made by Fluetsch, seconded by Somers, it was

RESOLVED to approve the salesperson application for Oliver Petrykievicz.

Roll call vote: Fluetsch- yes, Somers-yes, DuVal-yes, Stone-yes, Worthen-yes, Ramsey-yes.

All in favor. Motion passes.

Guarderas- 3054-05-008

The hearing officer David Stebing explained that this is a licensing case involving an initial application to be a real estate salesperson. There is a single issue in this case, if a license should be granted or denied based upon AS 08.88.171(c) and the operative language is that he is indicted for a felony.

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**On a motion duly made by Fluetsch, seconded by Stone,
it was**

**RESOLVED to accept the Hearing officers
recommendation in case number 3054-05-008.**

Commission members discussed the motion on the table.

**On a motion duly made by Somers, seconded by Stone,
it was**

**RESOLVED to enter into Executive Session
under the provisions of the open meetings act
that allows for Quasi Judicial deliberations.**

Commission entered into Executive Session at 11:50 a.m.
Commission out of Executive Session at 12:04 p.m.

Roll call vote: Somers-opposed, DuVal-in favor, Stone- in
favor, Worthen- in favor, Ramsey- in favor, Fluetsch-in
favor.

5 members in favor; 1 member opposed. Motion passes.

Meeting adjourned at 2:31 p.m.

Prepared and submitted by Division Staff.

Approved:

Barbara Ramsey, Chairperson
Real Estate Commission

Date: _____