

**Office of Professional Regulation  
Real Estate Commission**

Vermont College Campus  
32 College Street  
Schulmaier Hall  
Montpelier, VT 05602

**Minutes**

**March 28, 2013 – 9:30 a.m.**

**Commission Members and Staff Present:** Michelle Gosselin, Gloria Rice, Claire Porter, David Raphael, Mark Thibeault, Mareta Hostetler, Thomas Prindiville, Board Counsel, Colin Benjamin and Administrator, Terry Gray

**Public members Present:** Lynne Labombard, Teresa Merelman, Helen Hossley, Wenda Bird, Claire Wallace, Isaac Chavez, Annemarie Daniels, Betty McEnaney and Kyle Kershner.

1. **Education Committee** – Met and reviewed the attached continuing education courses. Please see attached list for approval/denial of courses submitted.
2. **Full Commission meeting Called to Order at 9:30 a.m.**
3. **Motion made by C. Porter to accept the February 28, 2013 minutes as presented, seconded by M. Gosselin. Motion approved.**
4. **Case Manager's Report – Carla Preston**

There are 97 open cases at this time. Twenty-eight (28) I-Team recommends closure, six (6) cases awaiting I-Team meetings, eight (8) new cases in intake, eight (8) sent back to the investigators requesting additional information, twenty-five (25) under investigation, fourteen (14) pending charges, three (3) charges have been filed and one (1) case under appeal.

Chairman Raphael asked for volunteers to assist C. Preston, Case Manager, on becoming the liaison to review received sign complaints once a response has been received from the respondent. Mareta Hostetler and Mark Thibeault volunteered their services.

5. **Closing reports**
  - a. Motion to accept closing report for cases 2012-523, 2012-524 and 2012-525 made by Michelle Gosselin, Seconded by Claire Porter. Motion Carried 6-0-1 abstention.
  - b. Motion to accept closing report for cases 2011-132 and 2011-165 made by Claire Porter, seconded by Mareta Hostetler. Motion carried 6-0-1 abstention.
  - c. Motion to accept closing report for cases 2012-165 and 2012-166 made by Mark Thibeault, seconded by Claire Porter. Motion carried 6-0-1 abstention.
  - d. Motion to accept closing report for cases 2012-133 and 2012-134 made by Michelle Gosselin, seconded by Mark Thibeault. Motion carried 6-0-1 abstention.
6. **Disciplinary Action - Hearing/Dismissal/Stipulation**
  - a. 2012-544 - Stipulation and Consent Order - David Fitzgibbons  
A motion was made and seconded to accept the Stipulation and Consent Order for case 2012-544. The Commission entered into deliberative session. Upon exiting, Board Council, Colin Benjamin, called the vote. The motion failed 6-0.

- b. 2012-435 and 2012-436 - Notice of Dismissal  
Board Council, Colin Benjamin, informed the Commission that the case has been dismissed and referenced the paperwork enclosed with the Commission's board packet.
- C. 2012-425 and 2012-426 - Notice of Dismissal  
Board Council, Colin Benjamin, informed the Commission that the case has been dismissed and referenced the paperwork enclosed with the Commission's board packet.

**7. New Business**  
None

**8. Public Comment**  
None

**9. Rulemaking - testimony regarding Agency in Vermont**

Board Council, Colin Benjamin, gave a brief overview of the process for the latest proposed revisions of the rules and the next public hearing scheduled for April 25, 2013 at 1:30 PM. He reminded the Commission that they in fact did address some agency changes in the proposed rules and the testimony heard today will be the beginning of framing a new discussion that will also need to go through the rule making process.

The Commission heard in-person testimony from Burlington Attorney Tom Heilmann who also represents Vermont Realtors. Teleconference testimony was heard from Realtor practitioners and educators Paula Savard from Massachusetts and Barbara Fairfield from Connecticut.

**Next Scheduled Meeting – April 25, 2013**  
**Public Meeting on Rules will be on April 25, 2013 at 1:30**

# Real Estate Education Committee

Courses for review

March 28, 2013

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
<b>Yerhot Environmental Solutions, LLC</b>						
<b>1.</b> Understanding Mold Damage in Today's Real Estate World	3	Yes	Yes	2		
<b>Sterling Education Services, Inc.</b>						
<b>2.</b> Commercial & Residential Landlord-Tenant Law	8		Yes	4		
<b>OnCourse Learning Coporation DBA Career Webschool</b>						
<b>3.</b> Short Sales and Foreclosures	4					Tabled - - no access
<b>Thomas F. Heilmann/Heilmann, Ekman &amp; Associates, Inc.</b>						
<b>4.</b> Mandatory Course 2012-2014 Cycle	4		Yes	4		
<b>360 Training.com</b>						
<b>5.</b> Contracts	3	Yes				Tabled - no access
<b>6.</b> Bad Loans – Predatory & Fraud	3	Yes				Tabled - no access
<b>7.</b> Environmental Basics	4	Yes				Tabled - no access
<b>8.</b> Human Land Use	4	Yes				Tabled - no access
<b>9.</b> Pricing Property	4	Yes				Tabled - no access (only 220 minutes - must be 240)
<b>Edmund &amp; Wheeler, Inc.</b>						
<b>10.</b> The Power of Section 1031 – For Real Estate Professionals	3	Yes	Yes	3		
Vermont Association of Realtors						
<b>10.</b> Resort and Second Home Markets Course	8		Yes	4		
<b>Continuing Ed Express</b>						
<b>11.</b> Tax Deferred IRS 1031 Exchanges	3	Yes				Tabled - no access
