



March 2009

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Members of the Commission

Karen C. Crowson, Chairman
Benton

Vic Hiryak, Vice Chairman
Little Rock

Ken Gill
Little Rock

Jim Newell
Little Rock

Sylvester L. Smith III
Camden

Commission Staff

Bill J. Williamson
Executive Director

Gary C. Isom
Deputy Executive Director

ARKANSAS REAL ESTATE COMMISSION

N E W S L E T T E R

From the Executive Director's Desk...

Bill J. Williamson

NEW COMMISSIONER APPOINTED

Ken Gill of Little Rock was appointed by Governor Mike Beebe to serve a three-year term on the Arkansas Real Estate Commission beginning January 2009.

Ken Gill is the Relocation Director and Executive Broker for Coldwell Banker Rector Phillips Morse in Little Rock, and has held a real estate license since 1985. He holds a CRS designation and is also certified as a Corporate Property Specialist and Relocation Marketing Specialist.



Ken Gill

Ken has served in numerous real estate professional positions serving on the Board of Directors for the Little Rock Realtors Association since 1993 until 2000, serving as its President in 1999, and currently serving on the Legislative Affairs Committee for the LRRRA. He was twice named the Little Rock Realtors Association Realtor of the Year in 1999 and 2001. Ken has served on the Board of Directors for the Arkansas Realtors Association since 1994, Zone Director, Chairman of the Professional Standards Committee, Chairman of the Legislative Committee, and Chairman of ARPAC. He currently serves as a District Vice President for ARA and is the Federal Political Coordinator for Congressman Vic Snyder for the National Association of Realtors.

Ken is a graduate of Leadership Greater Little Rock Class XIII. In 2002 he received the Distinguished Sales and Marketing Award from SMEA, recognizing his excellence in sales and marketing for his company, and in March 2004 he received the 5 Star Circle of Excellence award from Cartus Relocation Services, recognizing his outstanding performance during the calendar year.

He is a member of the West Little Rock Rotary Club, and a member of Pulaski Heights United Methodist Church where he has served on numerous boards and committees.

Ken and his wife, Dottie, have two children, son Chris and his wife Samantha; and daughter Keena, three grandchildren, Blaine, Charley and Caston.

NEW COMMISSION CHAIRMAN AND VICE CHAIRMAN

At its February meeting the Commissioners elected **Karen Crowson**, Designated Executive Broker, Crye-Leike Realtors® Benton Office, Benton to serve as **Chairman**, and **Vic Hiryak**, Executive Broker, Coldwell Banker Rector Phillips Morse-WLR Branch, Little Rock as **Vice Chairman**. Other members of the Commission are **Sylvester L. Smith III**, **Jim Newell** and new Commissioner **Ken Gill**.



FORMAL HEARING DECISIONS



The following information is extracted from Findings of Fact, Conclusions of Law and Order, and Consent Orders issued by the Commission from June 2008 through November 2008. Formal Hearing Decisions that have been appealed are not listed.

James A. Ponzini, Principal Broker, Little Rock, AR: In Formal Hearing # 3058 the Commission ordered that "...Respondent Ponzini is to pay a penalty of \$3,000.00. The Commission votes to revoke Respondent Ponzini's license and in the event that the Respondent makes application for licensure again, then that application must be approved by the Commission."

The Commission found Respondent Ponzini guilty of violating Commission Regulations 10.8(g)(1), 10.8(g)(3) and Arkansas Code Annotated § 17-42-311(a)(6), § 17-42-311(a)(11), and § 17-42-311(a)(13).

Respondent Ponzini did not remit or account for Sellers' \$3,000 received by Respondent at the April 6, 2004 closing that was to be held in escrow by Respondent and only disbursed to pay the Complainant's special improvement taxes or reimburse to Seller.

Respondent did not deposit or in the alternative did not maintain the \$3,000 received by Respondent at the April 6, 2004 closing in his trust account. Respondent's October 3, 2006 Stephens & Company Escrow Account had an ending balance of \$10.00.

Respondent refused to cooperate and provide trust account and bank statement records as requested by a Commission investigator in a March 11, 2008 letter to Respondent.

Because of Respondent's conduct as described above, he is unworthy and incompetent to act as a real estate broker in such a manner to safeguard the interest of the public.

Respondent's conduct as described above, constitutes improper, fraudulent, and dishonest dealings.

A Recovery Fund Hearing was held. Respondent Ponzini was ordered to pay Complainant \$1,478.00 within thirty (30) days.

Dan S. Carter, Salesperson, Little Rock, AR: In Formal Hearing # 3053 the Commission ordered to "...revoke Respondent Carter's license and in the event that the Respondent makes application for licensure again, that application must be approved by the Commission."

The Commission found Respondent Dan Carter guilty of violating Commission Regulations 8.5(a), 10.7(a)(1), 10.10(a), 10.10(c), Arkansas Code Annotated § 17-42-311(a)(11), and § 17-42-311(a)(13).

Respondent Carter did not reduce to writing the exact agreements of the parties. The Real Estate Contract did not include a closing date, or any requirement that the buyer would obtain third party financing. The Respondent did not reduce to writing the agreement of the Complainant and Buyer regarding the Buyer occupying Complainants' property prior to closing.

Respondent Carter did not immediately deliver to his Principal Broker the \$600 rent payments collected.

Respondent Carter did not protect and promote the interest of the Complainants as described above.

Respondent Carter's conduct constitutes improper dealing.

Because of Respondent Carter's conduct, he is unworthy or incompetent to act as a real estate salesperson in such a manner as to safeguard the interests of the public.

A Recovery Fund Hearing was held. Respondent Carter was ordered to pay Complainants \$4,150.00 within thirty (30) days.

Stephen Fraine, Salesperson, Paragould, AR: In Formal Hearing # 3060 the Commission ordered that "...Respondent Fraine will have a letter of reprimand placed in his license file, and he is hereby placed on probation for a period concurrent with the remaining balance of his court probation. If there is a non-technical violation of his probation, a hearing will be held before this Commission to consider revocation and/or additional penalties."

The Commission found Respondent Stephen Fraine guilty of violating Arkansas Code Annotated § 17-42-311(a)(3).

Brandon C. Leuck, Associate Broker, C-21 Reed-Whitley-Moore, El Dorado, AR: In Formal Hearing # 3061 the Commission ordered that "...Respondent Brandon C. Leuck's license be revoked, and if he should ever apply for another license, he must receive the approval of the Arkansas Real Estate Commission. Respondent Leuck is also fined \$1,000.00 per violation, for a total of \$6,000.00 to be paid within thirty (30) days."

The Commission found Respondent Brandon C. Leuck guilty of violating Commission Regulations 8.5(a), 10.7(a)(7) and Arkansas Code Annotated § 17-42-311(a)(4), § 17-42-311(a)(7), § 17-42-311(a)(11), and § 17-42-311(a)(13).

Respondent Leuck did not protect and promote Complainants' interest. Respondent Leuck represented to Complainants that the transaction was going to close and received \$13,000 cash from Complainants to close the transaction, knowing that the transaction could not be closed without the Seller's brother's signature. Respondent did not disclose the title issue to the Complainants. Respondent delivered to Complainants a forged Warrant Deed for the property dated September 19, 2007 that appeared to be signed by the Seller that Complainants relied on to obtain financing to improve the property.

Respondent Leuck did not immediately deliver to his Principal Broker the \$13,000 cash collected from Complainants.

Respondent Leuck made substantial misrepresentations to Complainants.

Respondent Leuck committed acts involving fraud, dishonesty, untruthfulness, and untrustworthiness. Respondent delivered a Warranty Deed to Complainants, knowing that the Seller



FORMAL HEARING DECISIONS

Continued



had not executed the Warranty Deed. Respondent represented that the Complainants transaction would close and collected \$13,000 cash to close, knowing that there was no closing scheduled.

Because of Respondent Leuck's conduct, he is unworthy and incompetent to act as real estate broker in such a manner as to safeguard the interest of the public.

Respondent Leuck's conduct constitutes improper, fraudulent, and dishonest dealings.

Kendra Etherton, Salesperson and Ward Jones, Principal Broker, Siloam Springs,

AR: By Consent Order, in Formal Hearing # 3065 the Commission ordered that "...Respondents Principal Broker Jones and Salesperson Etherton shall each receive a letter of reprimand to be placed in their license files and each pay a \$250 penalty to the Arkansas Real Estate Commission, within 90 days of the date of this Order."

The Commission found Respondent Principal Broker Jones guilty of violating Arkansas Code Annotated § 17-42-311(a)(12) and § 17-42-310(c).

The Commission found Respondent Etherton guilty of violating Commission Regulation 6.3(b).

Respondent Principal Broker Jones paid commissions to Respondent Etherton for real estate activities performed while her salesperson license was expired.

Respondent Principal Broker Jones did not insure that Respondent Etherton's 2008 salesperson license was received and conspicuously displayed in his place of business.

Respondent Etherton practiced as a real estate salesperson from January to June 6, 2008 while her license was expired.

Clovis Kyle Satterfield, Salesperson, Little Rock, AR: By Consent Order, in Formal Hearing # 3067 the Commission ordered that "...Respondent Satterfield's real estate salesperson license is hereby revoked."

The Commission found Respondent Satterfield guilty of violating Arkansas Code Annotated § 17-42-311(a)(3), § 17-42-311(a)(13) and § 17-42-311(a)(11).

Respondent's plea of guilty to a felony prohibits Respondent from holding a salesperson license.

Respondent's conviction and conduct constitute improper, fraudulent and dishonest dealing.

Respondent is unworthy to act a real estate salesperson in such a manner as to safeguard the interest of the public because of his conviction.

Stacy Strother, Salesperson, Little Rock,

AR: In formal Hearing # 3062 the Commission ordered to "...revoke Respondent Strother's license."

The Commission found Respondent Strother guilty of violating Arkansas Code Annotated § 17-42-311(a)(3) and § 17-42-311(a)(13).

Respondent's plea of guilty to a felony prohibits Respondent from holding a salesperson license.

Respondent's conduct constitutes improper, fraudulent and dishonest dealing.

Alain Henrard, Salesperson, Rogers, AR:

In Formal Hearing # 3066 the Commission ordered that "...Alain Henrard be placed on probation for a period of twelve (12) months and a Letter of Reprimand be placed in his license file, and that his request to apply for broker's license is denied."

The Commission found Respondent Henrard guilty of violating Commission Regulation 10.16(C), and, Arkansas Code Annotated § 17-42-311(a)(1), § 17-42-311(a)(3), and § 17-42-311(a)(13).

Respondent did not furnish a written report and required documentation concerning his conviction at that time of applying for a Salesperson and Broker license.

Respondent obtained a real estate salesperson license by concealing the fact that he had a previous conviction.

Respondent was convicted of a crime involving moral turpitude, fraud, dishonesty, and untrustworthiness.

Respondent's negative responses to question number 5 on the Salesperson and Broker applications for real estate licensure constitute improper and dishonest conduct.

Patsy Stephens, Salesperson, Rogers,

AR: In Formal Hearing # 3063 the Commission voted that "...Respondent Patsy Stephens be allowed to keep here license, and that she be on probation for a period of three (3) years."

Wayne Watkins, Expired Broker License, Hardy, AR:

In Formal Hearing # 3071 the Commission voted to "...revoke Respondent Wayne Watkins' real estate license and that he is fined \$3,000.00 due and payable to the Arkansas Real Estate Commission within thirty (30) days."

The Commission found Respondent Watkins guilty of violating § 17-42-311(a)(4), 17-42-311(a)(7), 17-42-311(a)(11), and 17-42-311(a)(13).

Respondent Watkins committed acts involving fraud, dishonesty, untruthfulness, & untrustworthiness.

Respondent Watkins made substantial misrepresentations to the Complainants when he told them he would issue a warranty deed at a time when the property had been foreclosed and sold to a third party.

Respondent Watkins' conduct constitutes improper, fraudulent, and dishonest dealing.

Because of Respondent Watkins' conduct Respondent is unworthy and incompetent to act as a real estate broker in such a manner as to safeguard the interest of the public.

A Recovery Fund Hearing was held. Respondent Watkins is ordered to pay \$11,495.25 to Complainants in a period not to exceed thirty (30) days.



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AREC Spotlight

The Arkansas Real Estate Commission is proud to announce that **Deputy Executive Director Gary Isom** was recently elected the 2009 President-Elect of the Association of Real Estate License Law Officials (ARELLO), a professional association that supports the efforts of 96 real estate licensing and regulatory jurisdictions in the United States, Canada, the Atlantic/Caribbean, Africa, Asia, Australia and New Zealand. Isom has been employed by the Arkansas Real Estate Commission since 1987 and as Deputy Executive Director since 1996.

Commissioner Chairman Karen Crowson, Executive Broker for Crye-Leike Realtors Benton Branch, was recently elected to the 2009 ARELLO Board of Directors.

Commissioner Vice Chairman Vic Hiryak, Executive Broker for Coldwell Banker Rector Phillips Morse, Inc. West Little Rock Branch, recently completed the ARELLO Commissioner College offered by ARELLO. The Commissioner College provides essential training and practical tools for individuals who serve on boards, councils and commissions that regulate real estate licensees. Instruction is given by legal experts in the field of real estate regulation. The curriculum includes program areas in administrative law, commission member rights, duties and responsibilities, as well as licensing and administration policy.

AREC is pleased to welcome new employees, Investigator **Yvonne Halstead**, Administrative Assistant **Andrea Alford** and Receptionist **Linda Alkire**.

Report from

Gary Isom, Deputy Executive Director

No CE Requirement for Inactive Licensees

There is no continuing education requirement for maintaining an inactive real estate license. A CE course taken while a license is inactive may only be used to activate a license if the course meets the requirements of Regulation 6.2 (e) below.

Inactive licensees are often surprised to learn that the CE courses they've been taking over the past several years while their license has been inactive do not count toward activating their license.

Inactive licensees must renew annually and pay the appropriate renewal fees. Regulation 6.2 below sets out the requirements for maintaining and reactivating an inactive license.

(a) Any licensee who does not wish to engage in the real estate business at the time of renewal may apply to renew as inactive.

(b) Any person who holds a license on inactive status shall notify the Commission in writing within seven (7) days of any change of name or address.

(c) During inactive status a licensee shall not practice as a real estate broker or salesperson in this state without first activating the license.

(d) An inactive license may be activated upon submitting proof of satisfactorily completing six (6) classroom hours or equivalent continuing education units or equivalent correspondence work of approved continuing education for each year renewed as inactive, not to exceed thirty (30) classroom hours, and such other information as the Commission may require, including payment of the required fee. Completion of the continuing education requirement will only satisfy the requirement for the license year in which activated and not for the following year.

(e) All continuing education hours required to activate a license must have been completed in the year in which the license is activated or the preceding calendar year.