

**MINUTES OF MEETING**  
**OF**  
**LOUISIANA REAL ESTATE COMMISSION**

**February 20, 2020**

The Louisiana Real Estate Commission held its regular meeting on Thursday, February 20, 2020, at 9:10 a.m., at 9071 Interline Ave, Baton Rouge, Louisiana, according to regular call, of which all members of the Commission were duly notified, at which meeting the following members were present:

**COMMITTEE**

Patrick Roberts, Jr., Chairman  
Lacy Baaheth, Vice Chairman  
Matt Ritchie, Secretary  
Jeff Donnes  
Paula Duncan – arrived at 9:30 a.m.  
Jeff Free  
Eloise Gauthier  
Rodney Greenup  
Deanna Norman  
Richman Reinauer - arrived at 9:15 a.m.  
Evelyn Wolford

**STAFF**

Bruce Unangst, Executive Director  
Arlene Edwards  
Summer Mire  
Ryan Shaw  
Mark Gremillion  
Dusty Evans  
Tom Devillier  
Henk vanDuyvendijk  
Logan Cockerham  
Allison O'Toole  
Jenny Yu

**GUESTS**

Norman Morris – Louisiana REALTORS®  
Kim Callaway – Louisiana REALTORS®  
Clayton Fields – Keller Williams Realty (Denham Springs)  
Andrew Baker – Burk Baker School of Real Estate and Appraisal

Commissioner Gauthier led the invocation; Commissioner Ritchie led the Pledge of Allegiance.

## MINUTES

Commissioner Gauthier made motion, seconded by Commissioner Greenup, to approve the minutes of the meeting of January 16, 2020. Motion passed without opposition.

(Attachment A)

### PERSONAL APPEARANCES (SEE OFFICIAL COURT TRANSCRIPT FOR RECORD):

1. Jamasha Delchambre – Ms. Delchambre failed to appear.
2. Sandra Faulk-Warner – requesting authorization to obtain a real estate license. Commissioner Ritchie made motion, seconded by Commissioner Norman, to allow Ms. Faulk-Warner to obtain a real estate license. Motion carried with no opposition. Commissioner Reinauer arrived during testimony at 9:15 and therefore abstained from voting. Commissioner Duncan was not in attendance for this portion of the meeting.
3. Cody Ficklen (2nd Appearance) – requesting authorization to obtain a real estate license. Commissioner Wolford made motion, seconded by Commissioner Gauthier, to deny Mr. Ficklen's request to obtain a real estate license. Motion carried 8-1, with Commissioner Greenup voting in opposition. Commissioner Duncan was not in attendance for this portion of the meeting.
4. Lakeia Frith (2nd Appearance) – requesting authorization to obtain a real estate license. Commissioner Reinauer made motion, seconded by Commissioner Baaheth, to allow Ms. Frith to obtain a real estate license. Motion failed to carry 5-4, with Commissioners Gauthier, Norman, Ritchie, Wolford and Donnes voting in opposition. Commissioner Duncan was not in attendance for this portion of the meeting.
5. Scott Huffman – requesting authorization to obtain a real estate license. Commissioner Donnes made motion, seconded by Commissioner Gauthier, to allow Mr. Huffman to obtain a real estate license. Motion carried 8-1 with Commissioner Wolford voting in opposition. Commissioner Duncan arrived during testimony at 9:30 a.m. and therefore abstained from voting.
6. Tiffanie Lee (4th Appearance) – requesting authorization to obtain a real estate license. Commissioner Norman made motion, seconded by Commissioner Reinauer, to allow Ms. Lee to obtain a real estate license. Motion carried 7-3, with Commissioners Gauthier, Ritchie, and Wolford voting in opposition.
7. Michelle Parker – requesting authorization to obtain a real estate license. Commissioner Gauthier made motion, seconded by Commissioner Greenup, to allow Ms. Parker to obtain a real estate license. Motion carried 8-2, with Commissioners Norman and Ritchie voting in opposition.
8. Chadric Rogers – requesting authorization to obtain a real estate license. Commissioner Reinauer made motion, seconded by Commissioner Greenup, to allow Mr. Rogers to obtain a real estate license. Motion carried with no opposition.
9. Jude Simon – requesting authorization to obtain a real estate license. Commissioner Greenup made motion, seconded by Commissioner Gauthier, to allow Mr. Simon to obtain a real estate license. Motion carried 8-2, with Commissioners Norman and Ritchie voting in opposition.

**PRESENTATION OF PLAQUE TO COMMISSIONER REINAUER (2019 CHAIRMAN)**

Chairman Roberts presented Commissioner Reinauer with a plaque recognizing his service as Chairman in 2019.

**COMMITTEE REPORTS:**

1. Budget – Commissioner Free reviewed the budget report with the Commissioners. He stated that revenues are down slightly. He stated that licensee count is the highest that it has been in the last 10 years. He stated that the overall budget has a surplus and is in good shape.

(Attachment B)

2. Education/Research/Publication – Commissioner Gauthier stated that the education committee met yesterday to review the proposed 2021 mandatory course. She stated that copies were being provided to the Commissioners along with course material developed by the LREC staff pertaining to property management, which may be useful when developing the 2021 mandatory course. She asked that the Commissioners review the materials and send her their thoughts so that a final outline can be put together for a vote at the March meeting.

(Attachment C)

3. Legal/Legislative/Timeshare – Commissioner Ritchie stated that the Commissioners have information in their packets summarizing the findings of the workgroup he convened to discuss the need for a separate commercial license. He stated that the workgroup determined that a separate license was not feasible at this time. He stated that the workgroup determined that there should be a separate commercial mandatory developed every year so that there is a dual residential/commercial track for licensees. He stated that the Commissioners would need to work with staff to assist in developing coursework on commercial topics. He stated that there are resources available such as LSU and other local universities, CCIM, etc. that can help develop education.

Commissioner Ritchie made motion that the Commission formally adopt the workgroup’s recommendations for the 2021 calendar year, including creating a separate commercial mandatory topic for 2021. Motion carried without opposition.

Commissioner Ritchie stated that the Commissioners also have a copy of draft legislation. He asked that Mr. Unangst brief the Commissioners on the legislation. Mr. Unangst stated that Mr. Devillier has devoted a lot of time to redlining the existing LREC license law to clean up language and implement desired changes. He stated that one of the biggest changes the LREC is seeking is to move the delinquent period. He stated that the plan would be to move the opening of renewal season to earlier in the year and moving the delinquent periods to October-December instead of having it in January-March. He stated that this would remove confusion about when licenses expire and would end the need for delinquent affidavit forms.

Commissioner Ritchie made motion, seconded by Commissioner Wolford, to approve the draft legislation regarding the delinquent renewal period. Motion carried without opposition.

Commissioner Ritchie stated that he plans to convene a workgroup to review the need to create a separate license for property management. He invited all of the Commissioners to be a part of the workgroup and stated that they would likely begin to meet in the summer.

(Attachment D)

4. Standardized Forms – No report
5. Errors & Omissions – Commissioner Norman stated that claims were down in 2019 from 2018. She stated that there are still 98 open claims from 2019. She discussed the most common claim types with the Commissioners.
6. Technology – Commissioner Greenup asked Ms. Shaw to update the Commissioners on recent improvements and developments to the LREC technology landscape. Ms. Shaw stated that staff has been working to debug and build out the new database software that staff uses internally. She stated that staff has been successful in building automated processes that are helping alleviate the load on the licensing staff and decrease the wait times for licensees to have paperwork processed.

Ms. Shaw stated that she will be meeting with the Commission's social media company, Multiply Marketing, soon. She asked if the Commissioners had any topics that they would like to see covered.

#### **DIRECTORS REPORT:**

Mr. Unangst updated the Commissioners on the legal situation between the Appraisers Board and the FTC. He stated that the point of the suit was to go after the Administrative Procedures Act of Louisiana and to accuse the state of having subpar oversight. He stated that he has been working closely with the Governor and the Attorney General over the last several years.

He stated that recently iMortgage has named the LREAB members in lawsuits. He stated that he has been warning the Governor and the Attorney General of this possibility for several years. He stated that he has recently discovered that the Office of Risk Management has a fund that can be used when claims, such as the antitrust case against the LERAB members, are levied.

He stated that earlier in the week other board and commission Executive Directors and representatives met to discuss how they can get assurances that the members of their boards and commissions are covered in case of lawsuits such as the one filed against the LREAB.

Commissioner Donnes asked if there are E&O policies that the Commission could purchase to cover the members. Mr. Unangst stated that his limited research into this has shown that such policies are very expensive and hard to get due to the nature of the coverage. Commissioner Donnes requested that Mr. Unangst do more in-depth research on the topic to see if it is viable.

Chairman Roberts asked Mr. Unangst to give examples of potential issues that could result in similar suits. Mr. Unangst stated that there are myriad topic, including scope of practice (for example the recent workgroup looking at the possibility of a commercial license) and others.

**PUBLIC COMMENT:**

None

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

Chairman Roberts discussed the issue of “Coming Soon” listings with the Commissioners. He stated that the current LREC rule is that all that is required to list a property for sale is written consent from the owner. He stated that this may become an issue because the National Association of REALTORS® is implementing a rule soon that will require a listing agreement between the owner and the agent in order to list any property for sale. He stated that he is anticipating that the Commission will be asked to change the current written consent requirement to instead requiring a listing agreement.

Chairman Roberts asked that staff reach out to ARELLO members to see how other states are handling this issue and report back to the Commission next month.

Ms. Mire gave the Commission a recap of the recent FARB Conference she attended. She stated that topics covered included: application processes, improving relationships with legislators, the makeup of boards consisting of industry and non-industry members, etc. She stated that she would recommend providing each Commissioner with iPads and Commission email addresses so that in case of a lawsuit the Commissioners’ personal information would be separate from their Commission business.

Formal Adjudicatory Hearing – Kendra Novak: Ms. Edwards stated that additional evidence pertaining to the formal hearing for Case No. 2019-0081 – Kendra Novak was brought to light today. Based on this information, Chairman Roberts made motion, seconded by Commissioner Wolford, to continue the hearing to a date to be set that is convenient to the Commissioners and Ms. Novak and her attorney. Motion carried without opposition.

**EXECUTIVE SESSION**

None

There being no further business, Commissioner Donnes made motion, seconded by Commissioner Greenup, to adjourn. Motion passed without opposition.

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RICK ROBERTS, CHAIRMAN

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MATT RITCHIE, SECRETARY