

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

**REAL ESTATE COMMISSION
TELECONFERENCE
MEETING MINUTES**

June 7, 2016

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled *teleconference* meeting of the Real Estate Commission was held June 7, 2016, at the State of Alaska Atwood Building Conference Room 1500, 550 W. 7th Avenue, Anchorage, Alaska.

Tuesday, June 7, 2016

Agenda Item 1 - Call to Order

Vice Chair Eric Bushnell called the teleconference meeting to order at 10:09 am at which time a quorum was established.

Roll Call – 1(a)

Members present via teleconference:

Eric Bushnell, Vice Chair, Associate Broker at Large
Peggy Ann McConnochie, Broker, Broker at Large
Stacy Harvill, Associate Broker, 4th Judicial District
Traci J. Barickman, Broker, 3rd Judicial District
Marianne Burke, Public Member
Cindy Cartledge-Public Member

Staff Present:

Nancy Harris, Project Assistant
Jay Paff, Investigator

Members Absent:

Nancy Davis, Broker, 1st Judicial District, Chair

Case #2016-000559

On a motion duly made by Ms. Cartledge, seconded by Ms. McConnochie, it was,

RESOLVED that they go into executive session. Ms. Cartledge stated: In accordance with AS 44.62.310(c): I move we go into executive session for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion regarding these matters.

Roll Call vote: Ms. McConnochie, yes, Ms. Harvill, yes, Ms. Barickman-yes, Ms. Burke-yes, Ms. Cartledge- yes.

Motion passed.

In Executive Session at 10:11 a.m.

On a motion duly made by, Ms. McConnochie, seconded by Ms. Barickman, it was,

RESOLVED that they come out of executive session.

Roll call vote: Ms. McConnochie- yes, Ms. Harvill-yes, Ms. Barickman-yes, Ms. Burke-yes, Ms. Cartledge- yes.

Motion passed.

Out of Executive Session at 10:33 a.m.

Case #2016-000559

On a motion duly made by Ms. Cartledge, seconded by Ms. McConnochie, it was,

RESOLVED that case #2016-000559 deny the salesperson application by endorsement.

Roll call vote: Ms. McConnochie-yes, Ms. Harvill-yes; Ms. Barickman-yes, Ms. Burke-yes, Ms. Cartledge-yes.

Motion passed.

In the case of 2016-000559 the Commission denied the salesperson application by endorsement.

Case #2014-000282

On a motion duly made by Ms. Cartledge, seconded by Ms. McConnochie, it was,

RESOLVED that case OAH #14-1114-REC, agency #2014-000282 the Real Estate Commission provides the following as the reasonable basis for suspension of one-year.

1. Reasonable Basis for Imposition of One Year Suspension – Facts were considered as a whole, and not individually, when the Commission made its decision. [O'Hare Engaged in conduct of which the commission demonstrating licensee's unfitness to engage in the real estate business.]

- a. He allowed another to use his property to receive drugs for the benefit of someone else. Not only once, but on multiple occasions. He then delivered the drugs to the person and in return received a few of the pills. He was told the drugs were not illegal (~~without question~~)– but did not explain why he allowed Gattis to use his UPS box to allow for delivery.
- b. He did not question the legality of the drugs – he simply stated Gattis told him the drugs were not illegal.
- c. He stopped allowing use of his UPS Box by the individual **only** after the death of a person taking such drugs. He did not, however, report Gattis to law enforcement regarding his involvement in the death of Mathew.
- d. He learned that someone was having a medical emergency (associated with drugs) and did nothing. No 911 call and no call for medical help.
- e. He pled guilty to knowingly and intentionally possessing a controlled substance with the intent to distribute it to another person.
- f. He only told the truth about his involvement with drugs, Gattis and Mathew once law enforcement officials began the investigation.

Trustworthiness, good judgement, and fitness to conduct business are essential to a real estate licensee. Self-policing is essential in the real estate business. One needs to take responsibility for their actions. One needs to ask questions not only for the benefit of the client but also the public. Avoidance of the truth easily results in bad judgement in the opinion of the Commission.

His youth (25 years) does not discount his actions. He committed the above acts in 2012 and at the same time applied for a real estate license. In 2014, he was convicted of conspiracy to distribute a controlled substance. Indeed the Commission was concerned that sufficient time had not elapsed for O'Hare to evolve and understand his bad judgement and criminal behavior. Bad judgement did not occur simply once or twice, but multiple times. And the bad judgement did not simply relate to receipt and distribution of drugs, but also failure to call emergency services to assist an individual, ~~which~~ **who** was represented to be "overdosing" on drugs.

Suspension of O'Hare's real estate license for one year by the Commission was reasonable, based on the above.

Ms. McConnochie stated that she has a conflict of interest in this matter. She served as the State's expert witness and said she will not vote.

Roll call vote: Ms. Harvill-yes; Ms. Barickman-yes, Ms. Burke-yes, Ms. Cartledge-yes.

Motion passed.

**On a motion duly made by Ms. McConnochie, seconded by Ms. Barickman, it was,
RESOLVED to adjourn the meeting.**

All in favor. Motion passed.

Meeting adjourned at 10:47 a.m.

Prepared and submitted by:
REC Staff

Approved:



Eric Bushnell, Vice Chair
Alaska Real Estate Commission

Date: October 4, 2016