

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

**MINUTES OF TELECONFERENCE**  
**May 27, 2010**

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 May 27, 2010, at the Atwood Building, Room 1950, Anchorage, Alaska.

**Thursday, May 27, 2010**

**Agenda Item 1**

**Call to Order**

Chairman Brad Cole called the meeting to order at 10:00 a.m. at which time quorum was established.

**Roll Call**

**Members present via teleconference, were:**

Brad Cole, Associate Broker, 3<sup>rd</sup> Judicial, Chairman  
Barbara Dickson, Public Member  
Marianne Burke, Public Member  
Gene DuVal, Associate Broker, 4<sup>th</sup> Judicial District  
Dave Somers, Broker, Broker at Large

**Members Absent:**

Christina Swires, Associate Broker/Broker at Large  
Nancy Davis, Broker, 1<sup>st</sup> Judicial District

**Staff Present:**

Sharon Walsh, Executive Administrator  
Beata Smith, Licensing Examiner

**Guests present:**

Christopher Kennedy, Administrative Law Judge  
Robert Auth, Assistant Attorney General, Department of Law  
Teri Crawley Norton, Real Estate Licensee  
Dave Norton, Public  
Jackie Toppin, Public  
Josy Bevington, Real Estate Licensee

**Cole:** I would like to know who else is on the call.

**Walsh:** Okay, we have, in the room we have myself and Beata.

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**Auth:** Robert Auth with the Attorney General's Office.

**Kennedy:** Chris Kennedy with the Office of Administrative Hearings.

**Crawley Norton:** Teri Crawley Norton, licensee.

**Norton:** Dave Norton, citizen.

**Cole:** Okay, thank you.

**DuVal:** I had indicated I had to leave at 11...

**Cole:** Yes.

**DuVal:** But I've cancelled my 11 appointment so I'm available for however long this takes.

**Cole:** Excellent, excellent. I'm glad to hear that.

**Walsh:** But Barbara are you available for the full hour?

**Dickson:** Uhh, I'm available for the full hour, after that it could be debatable. I may or may not be interrupted. We would have to play it by ear.

**Walsh:** Okay.

**Burke:** Sharon I do have a hearing that begins at 1:00 o'clock and I would need about 45 minutes to drive down.

**Walsh:** Okay.

**Cole:** Okay. Let's follow the agenda then. First case it would be case number 10-0110-REC.

**Walsh:** Brad, this is Sharon. Did you get my message that I left you?

**Cole:** I did not.

**Walsh:** Okay. I was wondering if we could change that agenda and do the Crawley-Norton case first.

**Cole:** Okay. That's fine.

**Walsh:** I think that would be faster.

**Cole:** Okay. So then we are going to evaluate case number...

**Walsh:** Well, it's not a case, it's a licensing issue.

**Cole:** Okay. So who's taking lead here? You Sharon?

**Walsh:** Well umm. I certainly can, umm did everybody receive my timeline?

**Cole:** Yes.

**Walsh:** And the packet of information? Umm, we have Teri Crawley-Norton here so if you read the timeline she can provide you with additional information. Beata is also here umm, to talk about it. But, umm...

**Somers:** Brad, this is Dave Somers. May I speak?

**Cole:** Please.

**Somers:** I've read this, it seems clear to me that this license should have been issued, that the licensee received bad information. I'm rather embarrassed about the way it was handled actually by us. I hope I'm not speaking too strongly, it's just the way I feel and I move that, we that we correct this by and fill in the blanks Sharon...

**Walsh:** We can issue a license today but I need to full vote. I need a vote of the commission.

**DuVal:** And can we make it retroactive?

**Walsh:** Uh huh.

**Burke:** I second the motion.

**Cole:** Okay, we have a motion on the table it has been seconded by Marianne. Any discussion? Being no discussion, all those in favor of the motion?

**Somers:** I.

**Dickson:** I.

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**Burke:** I.

**DuVal:** I.

**Cole:** And the chairman also votes 'I'.

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**DuVal:** And I would like to speak strongly that I am embarrassed by how the department handled this and I think the licensing examiner probably gave bad information and handled it poorly. I would like to be on the record.

**Cole:** Okay.

**Burke:** Brad, this is Marianne, if I may add, umm, I am quite new to this and I am glad to hear these comments because I would certainly hope this isn't symptomatic of or is it what normally happens that would be extremely embarrassing.

**Walsh:** Brad...

**Cole:** Yes.

**Walsh:** Teri would like to speak to address the commission.

**Crawley Norton:** This is Teri and thank you very much for making that so quick and easy. I appreciate you seeing the clarity of the situation but I guess I, believe it or not want to say something on behalf of the licensing examiner. I did call her repeated times and she really I think made every effort to be very helpful and to provide me with necessary information and I think this was just a basic human mistake rather than be remedied as it should have been immediately remedied, it just seemed to kind of spiral out of control but, but as far as the effort of the licensing examiner, I think that her intent throughout the process was to be helpful just a human error was made.

**Cole:** Okay. Teri, we thank you for those comments and the record will so note. Umm, without any further discussion we will move on to the next item.

**Crawley Norton:** Thank you.

**Cole:** Teri thank you. So now are we...has Teri and Dave left?

**Kennedy:** They're just on their way out. There they go.

**Walsh:** And Josy Bevington did say she was going to be here so I don't know where, maybe she's parking her car or something but she may show up.

**Cole:** We free to discuss uh the Bevington case now?

**Walsh:** Uh huh.

**Cole:** Okay.

**Walsh:** Yes, thank you.

**Cole:** I guess the place to start here would be uh with Christopher Kennedy.

**Kennedy:** I am here, umm and I'd be happy to answer questions, of course the commission is in entitle to deliberate in private if you would like to and umm with just the commission members and me. Umm and it's commonly been the way we consider these matters to the extent that you want to either take comments from the parties only one of which is here right now or umm talk about this on the record. Umm, we can go ahead with that.

**Cole:** Is uh, Michele Wall-Rood coming Sharon?

**Walsh:** No, she's not, she's in training for the new computer system.

**Cole:** Okay. Well to you point Mr. Kennedy we do want to go to an executive session here momentarily and talk about this. Do we need any comments before we do that from Umm Mr. Auth and since Ms. Bevington is not here I guess I can't hear anything from her.

**Kennedy:** That's right, you have written comment from both sides and it's really entirely your decision whether you'd like to hear orally, it would be permissible just hear from Mr. Auth. Ms. Bevington has been notified, I understand of this meeting.

**Walsh:** Yes, and she responded.

**Kennedy:** And she has the opportunity to speak and has seemed has chosen not to apparently.

**Cole:** I think I do have a question for Mr. Auth, if that's acceptable.

**Kennedy:** Sure.

**Cole:** I thought it was interesting Mr. Auth that you recommended that we follow the proposed decision or reject the proposed decision but that you also consider terminating the sanction for the violation. Could you explain that just a little bit?

**Auth:** The thought process was is that she's been suspended since February and division thought the suspension was justified but now it is March, April, May and that the length of that suspension, you know three months plus, I think it was thought that was sufficient sanction for the violation. So meaning just ending it as of today rather than continuing it, I mean if it was terminated it would go on indefinitely into the future. And so that was the only thing.

**Cole:** Okay, very good. Okay, well uh Mr. DuVal could we have a motion to go into an executive session to discuss this case?

**DuVal:** I like to make a motion to go in an executive session according to Administrative Act to discuss case umm...Do you have the case number Sharon?

**Walsh:** Yes, I do. OAH 10-0110-REC.

**Somers:** Second.

**Cole:** Okay all those in favor in going to an executive session please say 'I'.

**Commission Members:** I

**Cole:** Okay, so we're in an executive session, so...

**Cole:** Gene you gonna make the motion?

**DuVal:** Yes. We have to come out of the executive session, right?

**Cole:** I know.

**Walsh:** Brad, we have two additional ladies here and I'd like for them to introduce themselves.

**Bevington:** Josy Bevington.

**Toppin:** Jackie Toppin

**Walsh:** Thank you.

**Cole:** Okay, so I need a motion to come out of executive session.

**DuVal:** Motion to come out of executive session in accordance to Administrative Procedures Act.

**Burke:** Second motion.

**Cole:** All those in favor?

**Commission Members:** I.

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**Cole:** Okay, we're back in session uh we have to guests with us Ms. Bevington and Ms. Topas, is that correct?

**Toppin:** Toppin, yes.

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**Cole:** Thank you. Umm, Mr. DuVal.

**DuVal:** I like to make a motion to adopt the Administrative Law Judge's decision in case 3004-100-14.

**Cole:** I have a second?

**Burke:** Second.

**Cole:** All those...any further discussion?

**DuVal:** You should probably take roll on (*inaudible*)

**Cole:** Yeah, any further discussion? Okay Nancy would you call roll?

**Walsh:** Uh it will be me, Sharon.

**Cole:** Oh, I'm sorry Sharon.

**Walsh:** Gene DuVal – in favor of adopting, Dave Somers – no, Marianne Burke – in favor of adopting, Barbara Dickson – no, I am not in favor, Brad Cole – I'm in favor of adopting. Okay, we have a decision.

**Cole:** Is there anything else before the commission at this time?

**Walsh:** I think that's it Brad.

**Cole:** Sharon do I have that document here?

**Walsh:** I'm gonna scan it, oh you do have it. You do have it and if you send it back, page nine.

**Cole:** Okay, I need a motion to adjourn.

**DuVal:** Motion to adjourn.

**Cole:** Second?

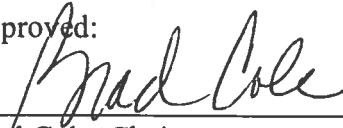
**Dickson:** I'll second.

**Cole:** We are adjourned.

**Walsh:** Thank you.

Prepared and submitted by Beata Smith.

Approved:



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Brad Cole, Chairperson  
Real Estate Commission

Date: 8/5/10