

## **Licensee Disciplinary Actions**

### **Edward R. Sanders, Associate Broker; Anchorage**

Voluntary surrender; Licensee failed to disclose material defects in sewer system.

### **James Bishop, Salesperson; Girdwood**

Voluntary surrender; Licensee failed to comply with Continuing Education requirements for the purposes of renewal.

### **Sang Kang, Salesperson; Anchorage**

On December 1, 2005, Real Estate Salesperson Sang H. Kang pled guilty to one felony count of aiding and abetting another in the Unlawful Use of an Access Device (credit card) in United States District Court for the District of Alaska (case number A05-075-01CR). According to the Plea Agreement, Sang Kang opened a Visa credit card account in the name of an acquaintance without that individual's knowledge and/or authorization. Sang Kang listed himself as an authorized user of the credit card. Over a period of ten months, Sang Kang and his wife used the credit card to charge purchases in excess of \$14,000.

Upon learning of Kang's guilty plea in the criminal case from an article in the Anchorage Daily News, Kang's employing broker immediately contacted the Real Estate Commission, terminated Kang's employment and turned his license in to the Commission. On December 20, 2005, Kang signed a voluntary license surrender, which was approved by the Real Estate Commission.

### **Sandra Nunes, Salesperson; Anchorage**

Sandra Nunes entered into a Memorandum of Agreement with the Division following an investigation involving allegations that she falsified a gift letter to a financial institution and assisted a client to commit loan fraud during the course of a real estate transaction. During the summer of 2005, Ms. Nunes represented a client in a home purchase. When the client applied for a home loan, they listed a motor vehicle as an asset and reported that the loan balance for the auto had been paid in full. A gift letter was produced when the loan officer questioned the origination of the funds used to pay off the debt. The gift letter stated that another individual (a previous client of Ms. Nunes) had paid off the loan balance. The home loan was approved and the real estate transaction closed. The loan file in question was selected for a random audit. During the audit process, the individual listed on the gift letter was contacted to verify the representations stated in the gift letter. That individual indicated that the information contained in the gift letter was false, as they had not purchased the vehicle or given the person a monetary gift. Following the audit, Ms. Nunes' broker contacted the Real Estate Commission and reported that Nunes had confessed to him that she and one of her clients had committed loan fraud during the course of a real estate transaction. The broker reported that Nunes had told him that she had paid off the automobile loan balance so that her client would qualify for the home loan. Once the real estate transaction was completed, Nunes and her client "undid" the vehicle purchase and the client resumed possession of the car as well as the loan payments for the vehicle. Under the terms of the Agreement, Ms. Nunes received the following licensing sanctions: a one year license suspension, a \$5,000 fine with \$2,500 suspended, 21 credits of additional education imposed, a formal reprimand, an audit of all past transactions conducted in 2005, and a 2-year license probation once she returns to practice.

**Dean A. O'Malley, Salesperson; Anchorage**

REC adopted Memorandum of Agreement (MOA) at the 4/26/06 REC meeting. The case involved an allegation of failure to disclose a structural defect in a residential sewer line. MOA required O'Malley pay a \$1,000 fine and complete an education course regarding disclosure.

**Robin E. Ward, Broker; Anchorage**

REC adopted Ward's "Agreement Not to Renew or Reactivate License" at the 6/12/06 meeting. The case involved allegations of dual agency violations; failure to disclose in writing the amount of compensation paid to another licensee in the transaction; and failure to disclose to her clients on two separate occasions that they had the opportunity to withdraw their purchase offer without penalty.

**Wesley M. Nakamoto, Salesperson; Anchorage**

REC adopted Nakamoto's voluntary surrender at the 9/20/06 meeting. These cases involved licensee working outside of his broker's supervision by engaging in a "silent wrap" transaction without his broker's knowledge or review and collecting rents and deposits on properties owned by the licensee without conducting that activity through his broker or a licensed property manager.

**Janice K. Rednall, Salesperson; Anchorage**

REC adopted Memorandum of Agreement (MOA) at the 10/12/06 REC meeting. The case involved one transaction where the licensee accepted payment of commission directly from her client without first submitting the payment to her broker and another transaction where the licensee allocated a portion of her commission to the buyer's closing costs. MOA required Rednall pay a \$500 fine, complete an education course, and was placed on license probation for six months.

**Erwin N. Moser, Broker; Anchorage**

On October 3, 2006, the Alaska Superior Court upheld the REC's adoption of the hearing officer's proposed decision in this case (decision was adopted by the REC at their 6/13/05 meeting). This case involved Moser's failure to disclose on a renewal application that he was named as a defendant in a lawsuit. Following an administrative hearing and an appeal to the Superior Court, Moser was ordered to serve a 60-day suspension, pay a \$2,000 fine, complete a 2-hr ethics course, and was placed on license probation for one year.

**Donald Joyner, Broker; Anchorage**

On 6/14/07, the Commission and Joyner entered into a Memorandum of Agreement imposing license sanctions regarding three separate investigative cases. The cases involved allegations that Joyner failed to deposit a \$4,000 earnest money check into his agency's trust account and then refused to provide an accounting of funds to the seller upon request; fraudulently obtained \$4,000 from the proceeds of a real estate transaction by directing First American Title to deduct the monies from the seller's funds as payment for a personal loan owed by the seller's son; and falsification of a renewal license application. Sanctions imposed included a four month license suspension, a \$5,000 fine, additional education, formal reprimand, and two years license probation.

**David Dowd, Salesperson; Anchorage**

On 6/14/07, the Commission adopted Dowd's voluntary license surrender. At the time of his license surrender, Dowd was under investigation for multiple cases involving allegations of conversion of trust funds, and misrepresentation and fraud concerning numerous real estate transactions.

**Duane Harvey, Salesperson; Anchor Point**

On 7/12/07, the Commission and Harvey entered into a Memorandum of Agreement imposing license sanctions regarding allegations that Harvey made substantial misrepresentations regarding legal access to a property. It was further alleged that his misrepresentations resulted in the buyers purchasing a cabin in which the driveway to the property trespassed upon the adjoining property. Sanctions imposed included a \$2,500 fine, additional education, formal reprimand, and one year license probation.

**Ivan Grondin, Broker; Fairbanks**

On 12/13/07, the Commission and Grondin entered into a Memorandum of Agreement imposing license sanctions regarding allegations concerning broker supervision of licensee Christopher Haydon and an allegation that Grondin failed to return a client's property (including a tenant's security deposit) for a period of seven months following the termination of a property management contract. Sanctions imposed included a \$2,000 fine, formal reprimand, and one year license probation.

**Phyllis Enoch, Salesperson; Fairbanks**

On 12/13/07, the Commission and Enoch entered into a Memorandum of Agreement imposing license sanctions regarding allegations that Enoch delayed the deposit of an earnest money check in a personal real estate transaction and failed to properly disclose her licensure status in writing as required by statute. Sanctions imposed included a \$250 fine, additional education, formal reprimand, and one year license probation.

**Michael Sorensen, Associate Broker; Anchorage**

On 03/13/08, the Commission adopted Sorensen's voluntary license surrender. At the time of his license surrender, Sorensen had been indicted on six counts of federal wire fraud charges. The indictment alleged that Sorensen falsely inflated the sales price on six individual properties, resulting in lenders providing larger loans than necessary for purchase. After closing, the buyers received cash back from the proceeds of the inflated loans. It was further alleged that Sorensen submitted false repair and remodeling invoices for work that was never performed. The proceeds from the falsified invoices were then given to the buyers without the knowledge of the lender.

**Christopher L. Haydon, Salesperson; Fairbanks**

On 10/10/08, the Commission adopted Christopher Haydon's voluntary license surrender. At the time of his license surrender, Mr. Haydon was under investigation for multiple cases involving allegations of misrepresentation and fraud, dual agency violations, employment of an unlicensed person, operating a real estate business without proper broker supervision, and illegally withholding a client's property.

**Mae E. Sprague, Broker; Wasilla**

On 12/12/08, the Commission and Ms. Sprague entered into a Consent Agreement imposing license sanctions concerning allegations of broker supervision for allowing a former licensee to engage in licensed activity. Sanctions included, \$5000.00 fine, formal reprimand, eight hours of education and one year license probation.

**Donald S. Murray, Salesperson; Anchorage**

On March 12, 2009, the REC adopted Murray's voluntary license surrender following his guilty plea in federal court to multiple counts of wire fraud and conspiracy involving fraudulent real estate transactions.

**Lance C. Lockard, Broker; Anchorage**

On March 12, 2009, the REC revoked Lockard's real estate broker license following his guilty plea in federal court. Twelve counts of conspiracy, bank fraud, wire fraud, and false statements to banks involving fraudulent real estate transactions.

**Jan C. Hood, Salesperson; Girdwood**

On March 13, 2009, the REC adopted Hood's voluntary license surrender. At the time of the surrender, Hood was under investigation for falsification of a broker license application.

**Josie Bevington, Salesperson; Anchorage**

Signed a Consent Agreement for non-compliance of continuing education for the 2008-2010 renewal. Ms. Bevington was assessed a \$2500 fine with \$2000 suspended plus an additional fine of \$1000 based on \$50 for each designated continuing education credit hour lacking, reprimand, and subject to a mandatory continuing education audit for the next two renewal periods.

**Robert Bolding, Salesperson; Anchorage**

Signed a Consent Agreement for non-compliance of continuing education for the 2006-2010 renewal. Mr. Bolding was assessed a \$2500 fine with \$2000 suspended plus an additional fine of \$200 based on \$50 for each designated continuing education credit hour lacking, reprimand, and subject to a mandatory continuing education audit for the next two renewal periods.

**Teresa Burnett, Associate Broker; Anchorage**

Signed a Consent Agreement for non-compliance of continuing education for the 2006-2010 renewal. Ms. Burnett was assessed a \$2500 fine with \$2000 suspended plus an additional fine of \$300 based on \$50 for each designated continuing education credit hour lacking, reprimand, and subject to a mandatory continuing education audit for the next two renewal periods.

**Guadalupe Caro, Salesperson; Anchorage**

Signed a Consent Agreement for non-compliance of continuing education for the 2006-2010 renewal. Ms. Caro was assessed a \$2500 fine with \$2000 suspended plus an additional fine of \$400 based on \$50 for each designated continuing education credit hour lacking, reprimand, and subject to a mandatory continuing education audit for the next two renewal periods.

**Geri Crowley, Associate Broker; Anchorage**

Signed a Consent Agreement for non-compliance of continuing education for the 2006-2010 renewal. Ms. Crowley was assessed a \$2500 fine with \$2000 suspended plus an additional fine of \$150 based on \$50 for each designated continuing education credit hour lacking, reprimand, and subject to a mandatory continuing education audit for the next two renewal periods.

**Donna Orr, Associate Broker; Anchorage**

Signed a Consent Agreement for non-compliance of continuing education for the 2006-2010 renewal. Ms. Orr was assessed a \$2500 fine with \$2000 suspended plus an additional fine of \$150 based on \$50 for each designated continuing education credit hour lacking, reprimand, and subject to a mandatory continuing education audit for the next two renewal periods.

**David Pfrimmer, Associate Broker; North Pole**

Signed a Consent Agreement for non-compliance of continuing education for the 2006-2010 renewal. Mr. Pfrimmer was assessed a \$2500 fine with \$2000 suspended plus an additional fine of \$100 based on \$50 for each designated continuing education credit hour lacking, reprimand, and subject to a mandatory continuing education audit for the next two renewal periods.

**Clair Ramsey, Associate Broker; Anchorage**

Signed a Consent Agreement for noncompliance of continuing education for the 2006-2010 renewal. Mr. Ramsey was assessed a \$2500 fine with \$2000 suspended plus an additional fine of \$100 based on \$50 for each designated continuing education credit hour lacking, reprimand, and subject to a mandatory continuing education audit for the next two renewal periods.

**Henry Bartos, Broker; Fairbanks**

On June 18, 2009, the Real Estate Commission adopted and modified the Proposed Decision and Order issued in following an administrative hearing. Bartos was found in violation for improperly employing a licensee (Lori Schooley) as both a broker at one of his brokerages and a licensed assistant at a competing brokerage; allowing an employee licensed at one brokerage (Noelle Childress) to perform licensed activity at a competing brokerage; dual agency violations for failing to obtain proper written authorization to engage in dual agency; violation of the conflict of interest statute, and violation of supervision regulations for failing to properly supervise his real estate licensees. The Real Estate Commission imposed the following disciplinary sanctions: a 60-day suspension, \$9,500 in fines, education requirements and a formal reprimand. Bartos has appealed the decision to the Alaska Superior Court.

**Keith Facer, Salesperson; Anchorage**

On July 21, 2009, the Real Estate Commission adopted Keith Facer's voluntary license surrender following his guilty plea in federal court to one count Conspiracy and two counts Wire Fraud for conduct occurring during the course of multiple real estate transactions.