



Dipåtamenton Kontribusion yan Adu'ána

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guåhan

LOURDES A. LEON GUERRERO, Governor Maga'hága
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DAFNE MANSAPIT-SHIMIZU, Director
Direktot
MARIE P. LIZAMA, Deputy Director
Sigundo Direktot

REAL ESTATE COMMISSION MEETING AGENDA

MINUTES OF MEETING Via ZOOM

2:00 pm August 10, 2021

Present:
Dafne Shimizu, Real Estate Commissioner
Christopher Murphy, Commission Chairman
Alice Sebastian-Cruz, Commission Secretary
Richard Guterrez, Commission Member
Ramon Puangco, Commission Member
Frank J. Pangelinan, Commission Member
Ryan Marsil Johnson, Commission Member

Also Present:
John Duenas, Regulatory Examiner
Francine Salas, Senator Sabina Perez's Representative
Ralanda Crisotomo
Jeff Bresch
Regina Rufes

1. CALL TO ORDER

The meeting was called to order by Mr. Murphy at 2:05 pm

2. APPROVAL OF MINUTES OF PREVIOUS MEETING – December 15, 2020

The objection of Mr. Johnson to the suspension of Mr. Salas was noted as a correction to the preceding minutes dated December 15, 2021. The minutes was moved for approval by Alice and seconded by Atty. Johnson.

3. NEW BUSINESS

New business involves 2 complaints. The first complaint was from Ms. Ralanda Crisostomo. Alice gave a brief overview and explained that upon Ms. Crisostomo's notice of switching broker, Mr. Strickland told her that she could but would have to meet specific obligations before she can be released. Miss Crisostomo explained that she did have some apartment rentals that she had closed for which she has yet to be compensated. However, Mr. Strickland told her that she must pay for shirts that were given to her and a transfer fee of \$2,000. According to Ms. Crisostomo there was no contract between Strickland and herself. Because there is nothing in the law that allows a broker to hold on to a license Alice proposed to add an addendum to the transfer form that would give the Real Estate Commissioner's office the authority to allow the licensee to transfer brokers fi and when the releasing broker does not sign off on the transfer form.

Mr. Bresch who attended the zoom conference testified that he, too, decided to leave Modern Realty at the same time as Miss Crisostomo. Mr. Bresch stated that he too was assessed a \$2,000 transfer fee for which there was no contract. He also stated that Mr. Strickland has been holding onto his license which is preventing him from doing business. Mr. Murphy said that the main contention is that they both wanted to transfer and the issue is that they were both more concerned with the termination fee of \$2,000. Atty Johnson questioned Crisostomo and Bresch, "is he (Strickland) making it difficult for you to practice?" and he stated "yes". He again asked, if DRT transferred your license, would that solve your problem? Other than the commissions still owed to them by Strickland and the transfer fee, the transfer solved their problem. It is determined that Real Estate Commission does not have jurisdiction over fees incurred or commission splits, they only have jurisdiction over licensing. Mr. Puangco asked if it's incumbent on the releasing broker to surrender the license within 2 or 3 days? Alice confirmed that it is. Mr. Pangelinan stated that the only offense is that Modern Realty didn't surrender the license, and the other issues need to be worked out by the agent and broker. Since Mr. Strickland had an earlier noncompliance issue in regard to advertising an agent who was not licensed, the board determined that Mr. Strickland should be sent out a notice to emphasize that if he is in the market on Guam that he should follow and abide by the real estate rules and regulations of Guam. Pangelinan made a motion to have Alice issue a letter in regard to Mr. Strickland holding licenses of potential transfers and demand he returns licenses in a clearly stated number of days. All members agreed. Mr. Murphy also moved for Alice to add an addendum to the law that clearly states the number of days a Broker has to turn in their agents' license. It was the advice of the commission that Crisostomo and Bresch seek assistance from GAR or small claims court to seek their commissions from Mr. Strickland.

Mr. Murphy moved to the complaint #2 of Regina Rufes vs. Williams Emoluments. In this case, Miss Regina Rufes and her mother were looking to move into a house. They were contacted online by Elsie Williams who was portraying herself as a real estate and mortgage broker, and told Regina that she had a house available for them to purchase. They attempted to inspect the house but were unable because the gate was locked. They proceeded to put a deposit of \$4,000 and then another \$2,000 for a power and water deposit. They were then instructed to wait for her call. After receiving a call from Elsie, they were instructed that there was an issue with a past due water bill at the potential home and that they would have to stay in another house until that matter was settled. Regina later discovered that the house they were to move in had tenants. Upon discussion with the home's realtor discovered that William's Emoluments was in no way affiliated with the realtor or the house.

After explaining the process to be a licensed Real Estate Broker and Mortgage Broker it was determined by the commission and the Business license Branch that William's Emoluments is not licensed to transact Real Estate Activities or transact mortgage business on Guam. Mr. Pangelinan stated that it's pretty clear she's not licensed and she's making a lease. Atty. Johnson suggested that the case should be forwarded to the Attorney General's office. Mr. Murphy and the remaining members agreed.

4. OLD BUSINESS

Next on Agenda was discussion on Chapter 104 of GCA. The focus was on the education. Education was the focus on the need for revision. The opinion of the commission was that the three years necessary to become a broker was too little. Suggestions that were made were that Salesmen reach a certain number of sales, apartment rentals, raw land sales and number of closes. This adjustment assumes that agents would show a little bit more commitment before they can become a broker. It was also suggested that all salesmen and brokers submit a police clearance while applying. Other discussions were about the need to put an expiration date on continuing education credits. This is an attempt to make sure that salesmen and brokers are current with today's

market concerns. Mr. Gutierrez suggests that compared to the appraisal licensing process the salesman is too simple. Discussion was also made as to conducting more commission meetings in order to accomplish the revision of Chapter 104.

5. OTHER MATTERS / DISCUSSION

Last order of business was the nomination of Frank Pangelinan, by Mr. Murphy, for the Vice Chair position of the Commission. Mr. Gutierrez seconded motion and all other members agreed to Frank Pangelinan as Vice Chairman of the commission.

6. ADJOURNMENT

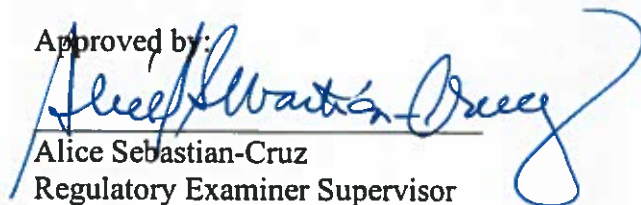
Move to adjourn was made by Alice and seconded by Mr. Johnson. Meeting was adjourned at 3:32p.m.

Prepared by:



John Duenas
Regulatory Examiner

Approved by:



Alice Sebastian-Cruz
Regulatory Examiner Supervisor