

September 1, 1967

TO: Mr. Harvey Schwartz
Corporation Council
Village of Skokie

cc: All Members of Human Relations Commission
Mr. Sidney Morrison

RE: Changes to Draft Ordinance on Regulating Real Estate Brokers

1. In Section 3, Paragraph (g) on Page 3 - remove the words "listing of."

Reason: To eliminate any doubt that this section refers to showing actual property not just the "paper" listing.

2. In Section 4, Paragraph (a) on Page 3 - remove the words "initiate or."

Reason: I have serious reservations about vesting this kind of authority in any appointed, not elected, commission (including those on which I serve) which gives the power to authorize an investigation when added to the power to investigate, prosecute, judge and punish. The removal of these words does not preclude the Commission from "checking" on compliance. It only prevents the Commission from using such "checks" as the basis for a complaint that could lead to suspension or revocation of a broker's license. Like it or not, it is difficult to investigate and judge with complete detachment one's own complaint.

Comment: If the words "initiate or" remain, I would insist on safeguards being established immediately under rules and regulations in Section 4, Paragraph (d) so that this authority could not be abused.

3. In Section 4, Paragraph (d) on Page 3 - add the following after the first and only sentence: Such rules and regulations will be adopted at regular Commission meetings and will be subject to review by the Board of Trustees by (a) resolution or (b) amendment to this ordinance.

Reason: This assures development of rules and regulations openly with full citizen participation. By resolution by the Board of Trustees or by the act of amendment, all affected citizens will know the rules and regulations which cannot be changed without additional Board action. All this will be done, again, with full citizen participation.

4. Also in Section 4, Paragraph (d) on Page 3 or in Section 5 add the following: All matters pertaining to initiating (if still in ordinance) receiving, investigation and conciliation will be held in the strictest confidence by the Commission until such time as circumstances require a full hearing which, if required, would be a public hearing.

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5. In Section 6, Paragraph (c) on Page 5 - delete the words "Village Manager" and substitute the words "President of the Board of Trustees" where the words "Village Manager" appear.

Reason: In most existing ordinances in the State of Illinois, elected officials are given the authority to revoke or suspend licenses. I believe that somewhere along the line of administrative remedy, an elected official should be involved.

6. In Section 6, Paragraph (d) on Page 5 - same as preceding as it relates to the words "Village Manager."
7. General Objections:

A. If the Commission is to be allowed to initiate complaints, the circumstances under which this can be done should be determined now and incorporated into the ordinance.

B. The use of "testers" should be prohibited in the ordinance or severely restricted to persons acting for the Commission, should we decide that compliance to the ordinance requires checking.

C. It is not clear from the language of the ordinance as to what happens to a suspension or revocation of a broker's license, should he exercise his right to judicial review. There seems to be no protection against an unfair action by the Village during the time of litigation. Is injunctive relief available during litigation if there is reasonable evidence that the Village acted unfairly?

D. In the language of the ordinance, it should be clearly stated that the broker meets the requirements of the ordinance by bringing the minority homeseeker to the property, but not inside if the owner demurs. It should be further stated that his failure to demand his commission from the seller after having brought a fully qualified buyer does not violate the provisions of this ordinance. However, the first refusal of a buyer to show his property to the minority homeseeker puts the broker on notice that this is a discriminatory listing. He must inform the seller that he, the broker, must continue to show the property to any homeseeker wishing to see it or terminate the listing agreement. Failure to do one or the other constitutes violation of the ordinance.



D. P. Perille
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