

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309

MINUTES
May 1, 2014

Commissioners present for all or part of the meeting:

Terry Duggan
John Goede
Carol Haines
Dennis Stolk

Commissioners absent:

Janet DeMott
Helen Kimes
Mike Telford

Staff Present:

Jeff Evans, Executive Officer	Jill Simbro, Administrative Assistant
Dave Batts, Education Director	John Lundquist, Assistant Attorney General
Sandy Malek, Investigator	Lori SchraderBachar, Site Manager
Cheryl Merriman, Licensing Specialist	

Members of the Public:

Joan Johnson – Iowa Realty Co., Legal Council

Call to Order

Jeff Evans called the meeting to order at 9:07 a.m.
Quorum was established.

Motion by Duggan to approve the agenda.

Seconded by Haines.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Stolk to approve the open session and closed session April 3, 2014 minutes.

Seconded by Goede.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Haines to approve the open session and closed session April 29, 2014 minutes.

Seconded by Duggan.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Election of Officers

Motion by Stolk to nominate Duggan as chair.

Seconded by Haines.

VOTE: Aye: all Nay: none Abstaining: Duggan

Motion passed.

Motion by Duggan to nominate Stolk as vice chair.

Seconded by Haines.

VOTE: Aye: all Nay: none Abstaining: Stolk

Motion passed.

Commissioner Reports

None

Staff Reports

Lundquist reported continuing to work with Evans on scheduling on contested case hearings to be held in the future.

SchraderBachar reminded the Commissioners to complete the Strategic Planning questionnaire for Cindy Axne. SchraderBachar also reported the next PLB newsletter will be disbursed in late May and if the Commissioners have anything to include, please submit articles. The Iowa Home Base legislation has passed which will allow military members to use military experience towards obtaining any Iowa license.

Evans introduced and welcomed Merriman as the new Licensing Specialist.

Batts reported that the remaining balance of the real estate education grant fund (approximately \$295,421.00) has been dispersed to REALTOR® Foundation of Iowa.

Public Comment

None

Formal Hearing

A hearing was held before the Commission in Case 12-107. The respondent was not represented by legal counsel. The hearing was conducted by Administrative Law Judge Heather Palmer and recorded by Peterson Court Reporting Service. The hearing was closed to the public pursuant to 193 IAC 7.39. The hearing commenced at 9:32 a.m. and ended at 10:26 a.m.

Closed Session

Motion made by Stolk to go into closed session pursuant to Iowa Code Section 21.5(1)(f) to deliberate case 12-107.

Seconded by Haines.

VOTE: Roll call: Duggan, aye; Goede, aye; Haines, aye and Stolk, aye.

Motion carried unanimously.

The Commission entered into closed session at 10:30 a.m. and arose there from at 10:37 a.m.

Open Session

Motion made by Stolk to return to open session.

Seconded by Goede.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion made by Haines to direct Administrative Law Judge Lockard to prepare a written decision for Complaint Case 12-107 in accordance with the findings and deliberations discussed in closed session.

Seconded by Duggan.

VOTE: Aye: all Nay: none Abstaining: none

Motion carried unanimously.

Closed Session

Motion by Stolk to enter into closed session pursuant to Iowa Code §21.5(1)(a) & (d), and 272C.6(4) to review pending licensee discipline cases and investigations, including any cases ready for final resolution through closure or consent order.

Seconded by Goede.

VOTE: Roll call: Duggan, aye; Goede, aye; Haines, aye and Stolk, aye.

Motion carried unanimously.

The Commission entered into closed session at 10:50 a.m. and arose there from at 11:17 a.m.

Open Session

Motion by Haines to return to open session.

Seconded by Goede.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Stolk to accept signed settlements and/or consent agreements for cases and to authorize the Chair, Vice Chair, or Executive Officer Evans to sign accepted Consent Agreement: 13-198

Seconded by Haines.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Goede to find probable cause and to authorize the Chair, Vice Chair, or Executive Officer Evans to sign the accepted signed settlements and/or consent agreements: 14-040, 14-048 and 14-059.

Seconded by Haines.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Stolk to enter into a Consent Agreement, with Executive Officer signing on behalf of the Commission, and then issue license for the following case: 14-050.

Seconded by Goede.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Goede to issue license for the following case: 14-044.

Seconded by Stolk.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Haines to deny a license for the following case: 14-054.

Seconded by Stolk.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Goede to find probable cause for the following cases: 14-043 and 14-063.

Seconded by Haines.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Stolk to close the following cases: 14-030 and 14-039.

Seconded by Goede.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Haines to issue letter of pre-license determination based on information provided by Anderson.

Seconded by Goede.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Meeting Schedule

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

Tuesday, June 10, 2014 (Goede, Haines)

No July 2014 Meeting

Wednesday, August 6

Wednesday, September 3

Commission Meetings:

Wednesday, June 11, 2014

No July 2014 Meeting

Thursday, August 7

Thursday, September 4

Motion by Stolk to adjourn meeting.

Seconded by Haines.

VOTE: Aye: all Nay: none Abstaining: none

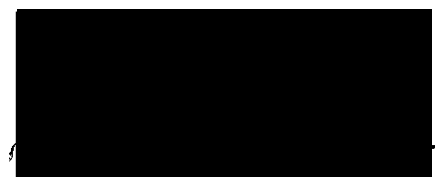
Motion passed unanimously.

Meeting adjourned at 11:24 a.m.

Respectfully submitted,

6-11-14

Date



Terrance M. Duggan, Chair

**Iowa Real Estate Commission
 Staff Report (For April 2014)
 May 1, 2014 IREC Meeting**

Audits (Comparison of Average Percentages of Non-Compliance)

<u>Year</u>	<u>E&O</u>	<u>Continuing Education</u>
2007	17%	5%
2008	15%	4%
2009	33%	6%
2010	18%	5%
2011	15%	5%
2012	21%	5%
2013	11%	3%
2014	3%	1%

Background Checks

Average turn round time is approximately 27 days.

Complaints/Informal Settlement Agreements

76 complaints have been opened 2014 YTD, with 27 opened in April.

Findings of Fact, Conclusions of Law, Decision and Order signed at April IREC Meeting: 1

Informal Settlement Agreements Signed At April IREC Meeting: 7

Consent Agreements Entered Into At April IREC Meeting: 4

Cases Closed At April IREC Meeting: 3

License Denial At April IREC Meeting: N/A

Licensing Totals

	<u>Firms</u>	<u>Brokers</u>		<u>Salespeople</u>	
		<u>Active</u>	<u>Inactive</u>	<u>Active</u>	<u>Inactive</u>
April 2014	1,208	3,394	440	5,317	1,231
April 2013	1,184	3,404	471	5,071	1,339

**Data gathered on the last working day of the month.*

Applications received (brokers and salespersons only):

7-1-05 thru 12-31-05	429
2006	1,275
2007	1,113
2008	861
2009	531
2010	604
2011	562
2012	625
2013	733
2014 YTD	321

Trust Account Audits

130 audits have been completed so far in 2014, with 31 conducted in the month of April.

Real Estate Education Director Report

Course Approvals	33
Course Denials	-
Instructor Approvals	17
Provider Approvals	1
Post Course Approvals	5
Post Course Denials	3
Pre Course Approvals	-
C.E. Audits Mailed	50
C.E. Audits Mailed (2 nd Notice)	3
C.E. Audits Reviewed	55
C.E. Course Class Audits	-
Exam in Lieu of CE Letter Sent	1
Complaint Cases Initiated	-