

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

MINUTES  
September 4, 2014

**Commissioners present for all or part of the meeting:**

Terry Duggan, Chair	Michael Telford
Dennis Stolk, Vice Chair	Carol Haines
John Goede	Janet DeMott
Helen Kimes	

**Commissioners absent:**

None

**Staff present for all or part of the meeting:**

Jeff Evans, Executive Officer	Jill Simbro, Education Director
John Lundquist, Assistant Attorney General	Colleen Goddard, Auditor
Sandy Malek, Investigator	Cheryl Merriman, Licensing Specialist

**Members of Public in attendance for all or part of the open session of the meeting:**

Paul McLaughlin, IAR  
Chris Whalen

**Call to Order:**

Duggan called the meeting to order at 9:06 a.m.  
Quorum was established.

**Motion by Haines to approve the agenda.**

Seconded by Stolk.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to approve the August 7, 2014 minutes.**

Seconded by Haines.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Goede to approve the August 14, 2014 minutes.**

Seconded by Stolk.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by DeMott to approve the August 26, 2014 minutes.**

Seconded by Telford.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously

**Commissioner Reports:**

None

**Staff Reports:**

Simbro introduced herself to the Commission as the new Education Director. She had previously held the position of the IREC Background Coordinator.

Evans reported that the Bureau is in the process of hiring a Licensing Specialist and a Background Coordinator. Bureau staff has been participating in mapping exercises in order to facilitate obtaining a new licensing database. The next Professional Licensing Bureau newsletter is to be available sometime in September.

**Communications:**

Chris Whalen, petitioner, spoke to the Commission concerning Waiver 14-08. After discussion, **Motion made by Telford to grant waiver 14-08**, which asked to the Commission to combine his active salesperson experience in Arizona with his active salesperson experience in Iowa to order to fulfill the 24 months of active experience required by 193E Iowa Administrative Code § 3.1(6) to apply for an Iowa broker license.

Seconded by DeMott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

After discussion, **Motion made by Telford to grant waiver 14-09**. The petitioner asked the Commission to combine her active salesperson experience in Ohio with her active salesperson experience in Iowa to fulfill the 24 months of active experience required by 193E Iowa Administrative Code § 3.1(6) to apply for an Iowa broker license.

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Public Comment:**

McLaughlin reminded the Commission of the 2014 Iowa Association of Realtors Annual Convention that will be held September 16 – 19, 2014 in Cedar Rapids, IA.

**Closed Session:**

**Motion by Telford to enter into closed session pursuant to Iowa Code §§ 21.5(1)(a), 21.5(1)(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 Stolk.

VOTE: Roll call: Stolk, aye; Telford, aye; DeMott, aye; Haines, aye; Kimes, aye; Goede, aye; Duggan, aye.

Motion carried unanimously.

The Commission entered into closed session at 9:25 a.m. and arose there from at 10:08 a.m.

**Open Session:**

**Motion by Kimes to return to open session.**

Seconded by Telford.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to accept the signed settlements and/or consent agreements for Cases 12-228; 13-209; 14-001; 14-111 and 14-128 and to authorize the Chair, Vice Chair or Executive Officer Evans to sign the accepted Consent Agreements:**

Seconded by Haines.

VOTE: Aye: all                      Nay: none                      Abstaining: Stolk (Case 14-001)

Motion passed.

**Motion by Stolk to find probable cause and to authorize the Chair, Vice Chair or Executive Officer Evans to sign the accepted signed settlement and/or consent agreement for Case 14-118.**

Seconded by Telford.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Goede to enter into a Consent Agreement with the applicant, with the Executive Officer signing on behalf of the Commission, and then grant licensure for Case 14-145.**

Seconded by Haines.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by DeMott to grant a real estate license for Case 14-148.**

Seconded by Haines.

VOTE: Aye: Duggan, Haines, Kimes, Goede, DeMott, Stolk      Nay: Telford      Abstaining: None

Motion passed.

**Motion by Telford to deny a real estate license for Case 14-140.**

Seconded by DeMott.

VOTE: Aye: All      Nay: None      Abstaining: None

Motion passed unanimously.

**Motion by Telford to find probable cause on the following cases: 14-094, 14-095, 14-099, 14-100 and 14-103.**

Seconded by Kimes.

VOTE: Aye: All      Nay: None      Abstaining: None

Motion passed unanimously.

**Motion by Telford to close the following cases: 14-021, 14-064, 14-108, and 14-112.**

Seconded by Haines.

VOTE: Aye: All      Nay: None      Abstaining: None

Motion passed unanimously.

**Motion by Stolk to issue a Cease and Desist order for Case 14-113.**

Seconded by Stolk.

VOTE: Aye: All      Nay: None      Abstaining: None

Motion passed unanimously.

**Motion by Telford to have staff issue a letter of pre-license determination based on information provided by Poeschl.**

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

**Meeting was adjourned at 10:20 a.m.**

**Meeting Schedule:**

Future IREC meetings are tentatively scheduled as follows:

**Investigation Committee**

Wednesday, October 1<sup>st</sup> (Haines, Duggan)  
Wednesday, November 5<sup>th</sup> (Telford, Kimes)  
Wednesday, December 3<sup>rd</sup> (DeMott, Stolk)  
No January 2015 Meeting  
Wednesday, February 4<sup>th</sup>  
Wednesday, March 4<sup>th</sup>

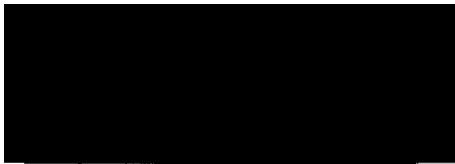
**Commission Meetings**

Thursday, October 2<sup>nd</sup>  
Thursday, November 6<sup>th</sup>  
Thursday, December 4<sup>th</sup>  
No January 2015 Meeting  
Thursday, February 5<sup>th</sup>  
Thursday, March 5<sup>th</sup>

Respectfully submitted,

10-2-14

Date



Chair, Terry Duggan

**Iowa Real Estate Commission  
Staff Report (For August 2014)  
September 4, 2014 IREC Meeting**

**Licensing Totals**

	<u>Firms</u>	<u>Brokers</u>		<u>Salespeople</u>	
		<u>Active</u>	<u>Inactive</u>	<u>Active</u>	<u>Inactive</u>
August 2014	1,231	3,434	453	5,515	1,291
August 2013	1,198	3,454	484	5,256	1,392

*\*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	584

**Audits (Comparison of Average Percentages of Non-Compliance)**

<u>Year</u>	<u>E&amp;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	4%	1%

**Trust Account Audits**

254 audits have been completed so far in 2014, with 28 conducted in the month of August.

**Background Checks**

Average turn round time is 26 days.

**Complaints/Informal Settlement Agreements**

149 complaint files have been opened 2014 YTD, with 12 opened in August.

Findings of Fact, Conclusions of Law, Decision and Order signed at August IREC Meetings: 1

Informal Settlement Agreements Signed At August IREC Meeting: 14

Consent Agreements Entered Into At August IREC Meeting: 1

Cases Closed At August IREC Meeting: 5

### Real Estate Education Director Report

Course Approvals	53
Course Denials	-
Instructor Approvals	7
Provider Approvals	2
Post Course Approvals	11
Post Course Denials	-
Pre Course Approvals	2
C.E. Audits Mailed	38
C.E. Audits Mailed (2 <sup>nd</sup> Notice)	-
C.E. Audits Reviewed	-
C.E. Course Class Audits	-
Exam Authorization Letters	-
Complaint Cases Initiated	-