

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

MINUTES  
October 2, 2014

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

Terry Duggan, Chair	Michael Telford
Janet DeMott	Carol Haines
John Goede	

**Commissioners absent:**

Dennis Stolk, Vice Chair	Helen Kimes
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**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	Renee Paulsen, Licensing Specialist
Lori SchraderBachar, Site Manager	

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

Paul McLaughlin, IAR

**Call to Order:**

Duggan called the meeting to order at 10:07 a.m.  
Quorum was established.

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

Seconded by Goede.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to approve the September 4, 2014 Iowa Real Estate Commission meeting minutes.**

Seconded by Haines.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Commissioner Reports:**

Duggan announced that he attended the ARELLO Annual Conference in Philadelphia, PA with Executive Officer Evans and Assistant Attorney General Lundquist. While at the conference, many relevant topics impacting the real estate industry were discussed, including the practice of "Coming Soon" advertising.

Goede attended the 2014 Iowa Association of Realtors Annual Convention in Cedar Rapids, IA. On behalf of the Iowa Real Estate Commission he gave an updated report to the IAR Board of Directors.

DeMott attended the Instructor Development Workshop. She stated that the education part was well attended and overall it was an excellent workshop.

**Staff Reports:**

Lundquist attended the ARELLO Annual Conference with Evans and Duggan. Lundquist reported that it seems that other jurisdictions are facing the same issues as Iowa as it relates to team advertising and social media.

SchraderBacher introduced Ellen Bridenstine and Renee Paulsen as the new Licensing Specialists. She also introduced Mary Chase as the new Background Coordinator to join the Professional Licensing Bureau beginning Friday, October 10, 2014.

Evans thanked Simbro and Malek for all the work they have done while short-staffed. Evans reminded the Commissioners that if they expect to be reimbursed for travel expenses, original receipts will need to be submitted to staff. Evans announced that the new PLB website [plb.iowa.gov](http://plb.iowa.gov) was launched on September 30, 2014 and the electronic Professional Licensing newsletter was released on October 2, 2014. He stated that staff is beginning the prep work to prepare for December 31, 2014 license renewals and postcards will be mailed out in mid-November. Evans wrapped up by stating that there is the continued work of implementing a new licensing system for PLB and that all staff has devoted time away from regular work in meetings mapping out the licensing processes.

**ARELLO:**

Evans presented his written report to the Commission.

**Legislation:**

Lundquist reported on the proposed amendment to Iowa Code chapter 557A. The proposal would remove the requirement that a time-share program developer file a property report with the Iowa Real Estate Commission (IREC) and pay a corresponding filing fee. In all other respects, the Iowa Time-share Act would remain the same with the same consumer protections.

After discussion, **Motion made by Telford that the Commission does not have any objections to the proposed changes.**

Seconded by Haines.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Public Comment:**

McLaughlin gave a report on the Iowa Association of Realtors Annual Convention that was held September 16 – 19, 2014 in Cedar Rapids, IA and that the education portion of the convention was one of the highlights. McLaughlin announced that the 2014 NAR convention will be held in November in New Orleans, LA and that the IAR winter meetings will be held December 2<sup>nd</sup> and 3<sup>rd</sup> in Clive, 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 Haines.

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

Motion carried unanimously.

The Commission entered into closed session at 10:35 a.m. and arose there from at 11:00 a.m.

**Open Session:**

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

Seconded by Haines.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to accept the signed settlements and/or consent agreements for the following cases: 09-259, 10-167, 13-226, 13-289, 14-018, 14-092, 14-099, 14-100, 14-117, 14-135 and 14-136 and to authorize the Chair or Executive Officer Evans to sign the accepted settlement and/or consent agreements.**

Seconded by Haines.

VOTE: Aye: all                      Nay: none                      Abstaining: none

Motion passed unanimously.

**Motion by Telford to enter into a Consent Agreement with the applicant, with the Executive Officer signing on behalf of the Commission, and then grant licensure for Cases 14-150 and 14-162.**

Seconded by Demott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Goede to close the following cases: 13-082, 13-222, 13-236, 14-107, 14-115, 14-124 and 14-165.**

Seconded by Telford.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Meeting Schedule:**

Future IREC meetings are tentatively scheduled as follows:

**Investigation Committee**

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, 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>

**Commission suspended at 11:10 a.m. until 1:15 p.m.**

**Formal Hearing**

A hearing was held before the Commission in Case 13-279. The hearing was conducted by Administrative Law Judge Maggie LaMarche. The hearing was closed to the public at the Respondent's request, pursuant to Iowa Code section 272C.6(1). The hearing commenced at 1:30 p.m. and finished at 5:20 p.m.

**Closed Session**

**Motion made by Telford for the Commission to go into closed session pursuant to Iowa Code Section 21.5(1)(f) to deliberate its decision in Case 13-279.**

Seconded by Haines.

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

Motion carried unanimously.

The Commission entered into closed session at 5:23 p.m. and arose there from at 6:22 p.m.

**Open Session**

**Motion made by Haines to return to open session.**

Seconded by Telford.

VOTE: Aye: all            Nay: none            Abstaining: none

Motion passed unanimously.

**Motion made by Telford to direct Administrative Law Judge LaMarche to prepare a written decision for Case 13-279 in conformance with the Commission's deliberations in closed session.**

Seconded by Haines.

VOTE: Aye: all            Nay: none            Abstaining: none

Motion carried unanimously.

**Motion by Duggan to adjourn meeting.**

Seconded by Haines.

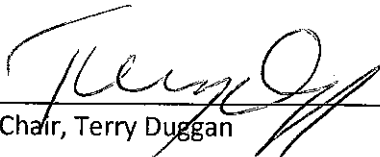
VOTE: Aye: all            Nay: none            Abstaining: none

Motion passed unanimously.

Meeting adjourned at 6:24 p.m.

Respectfully submitted,

11/6/14  
Date

  
Chair, Terry Duggan

**Iowa Real Estate Commission  
Staff Report (For September 2014)  
October 2, 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>
September 2014	1,235	3,448	455	5,563	1,307
September 2013	1,200	3,456	489	5,311	1,401

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

**Applications received (brokers and salespersons only):**

2006	1,275
2007	1,113
2008	861
2009	531
2010	604
2011	562
2012	625
2013	733
2014 YTD	648

**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	6%	1%

**Background Checks**

Average turn round time is 24 days.

**Complaints/Informal Settlement Agreements**

165 complaint files have been opened 2014 YTD, with 16 opened in September.

Findings of Fact, Conclusions of Law, Decision and Order signed at September IREC Meetings: N/A

Informal Settlement Agreements Signed At September IREC Meeting: 6

Consent Agreements Entered Into At September IREC Meeting: 1

Cases Closed At September IREC Meeting: 5

License Denial At September IREC Meeting: 1

**Trust Account Audits**

277 audits have been completed so far in 2014, with 22 conducted in the month of September.

### Real Estate Education Director Report

Note: Due to staff time restraints, no Education Director Report for September 2014

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