

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

MINUTES
November 6, 2014

Commissioners present for all or part of the meeting:

Terry Duggan, Chair	Michael Telford
Janet DeMott	Carol Haines
John Goede (via phone)	Helen Kimes

Commissioners absent:

Dennis Stolk, Vice Chair

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	Mary Chase, Background Coordinator

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

Dotty Schimmels, IAR	Adam Frerichs
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Call to Order:

Duggan called the meeting to order at 9:00 a.m.
Quorum was established.

Motion by Kimes to approve the agenda.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Haines to approve the open session and the closed session October 2, 2014 minutes.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to approve the open session and the closed session October 28, 2014 minutes.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports:

None

Staff Reports:

Lundquist thanked the Commission for all of their work and staying late for the contested case hearing that took place at the Commission's October 2nd meeting.

SchraderBachar introduced Mary Chase as the new Background Coordinator. SchraderBachar reported on the process of implementing the Professional Licensing Bureau's new database. SchraderBachar reminded the Commission that the quarterly newsletter will go out in early December and urged Commissioners to submit articles to Evans before Thanksgiving.

Evans reminded the Commissioners to properly complete and sign their Per Diems and travel vouchers for their time and travel expenses to attend the meeting. Evans presented the IREC Staff Report for the month of October. Evans reported that the upcoming renewal period opens up on November 17th for all real estate licenses that expire on December 31, 2014.

Strategic Planning

SchraderBachar presented PLB's strategic plan to the board. She expressed the need of the Commission's help with the Top Strategic Goals.

Communications:

Adam Frerichs, petitioner, spoke to the Commission concerning Waiver 14-10. The petitioner requested the Commission to combine his current and past salesperson along with his education 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 Haines.

After further discussion, **Amended Motion made by Telford to grant waiver 14-10 with the petitioner to be placed on probation until he does have the full 24 months of active experience.** Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None
Motion passed unanimously.

Application For Reinstatement:

After Discussion, **Motion made by Telford to not grant the application for reinstatement submitted by Scott E. Thomas, Sr., due to the applicant's failure to provide sufficient evidence that he has satisfied the conditions for reinstatement.**

Seconded by Himes.

VOTE: Aye: all Nay: none Abstaining: none
Motion passed unanimously.

Public Comment:

None

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 and Kimes, aye
Motion carried unanimously.

The Commission entered into closed session at 9:55 a.m. and arose there from at 10:18 a.m.

Open Session:

Motion by Telford to return to open session.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to accept the signed settlements and/or consent agreements for the following cases: 10-540, 11-241, 14-058, 14-073, 14-094 and 14-095 and to authorize Duggan (Chair) or Evans (Executive Officer) to sign the accepted settlement and/or consent agreements.

Seconded by DeMott.

VOTE: Aye: all Nay: none Abstaining: none

Motion passed unanimously.

Motion by Telford to find probable cause and to authorize the Duggan (Chair) or Evans (Executive Officer) to sign the accepted signed settlement agreement for the following cases: 14-098, 14-152, 14-154, 14-155 and 14-156.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Haines to enter into a Consent Agreement with the applicant, authorize Evans (Executive Officer) to sign on behalf of the Commission, and then grant licensure for Case No. 14-189.

Seconded by DeMott.

VOTE: DeMott, aye; Goede, aye; Haines, aye; Kimes, aye; Telford, aye. Nay: none Abstaining: Duggan.

Motion passed.

Motion by Telford to find probable cause on the following cases: 13-213, 14-151, 14-176, 14-186, 14-187 and 14-196.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to issue a Cease and Desist order for Case No. 14-157.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to close the following cases: 14-138, 14-139, 14-158, 14-159 and 14-195.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Meeting Schedule:

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

Wednesday, December 3rd (DeMott, Stolk)
No January 2015 Meeting
Wednesday, February 4th (Telford, Haines)
Wednesday, March 4th (Duggan, Goede)
Wednesday, April 1st

Commission Meetings

Thursday, December 4th
No January 2015 Meeting
Thursday, February 5th
Thursday, March 5th
Thursday, April 2nd

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:25 a.m.

These minutes accurately reflect the minutes approved by the Commission at the meeting on:

12-4-14
Date


By: Terry Duggan, Chair

**Iowa Real Estate Commission
Staff Report (For October 2014)
November 6, 2014 IREC Meeting**

LICENSING TOTALS:

	Firms	<u>Brokers</u>		<u>Salespeople</u>		<u>TOTAL LICENSEES</u>
		Active	Inactive	Active	Inactive	
October 2014	1,239	3,452	465	5,573	1,344	10,834
October 2013	1,197	3,456	494	5,319	1,429	10,698

EXAMINATIONS ADMINISTERED BY PSI:

	<u>September</u>	<u>Year To Date</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
Broker	22	193	281	207	245	233
Salesperson	93	1,059	1,212	952	781	916

APPLICATIONS RECEIVED (Brokers & Salespersons):

	<u>October</u>	<u>Year To Date</u>
2006		1,275
2007		1,113
2008		861
2009		531
2010		604
2011		562
2012		625
2013		733
2014	52	700

BACKGROUND CHECKS:

Year to Date average turnaround time is 23 days.

AUDITS:

	<u>October</u>	<u>Year To Date</u>
Continuing Education	50	350
E & O	46	375
Trust Account	25	303

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

<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	5.3%	1%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>October</u>	<u>Year To Date Totals</u>
Complaint Cases Opened	38	203
Final Case Disposition	27	197
Signed Informal Settlement Agreements	11	77
Signed Applicant Consent Agreements	2	22
Signed Cease and Desist by Consent Agreement	0	4
Formal Hearings	1	4
License Denials	0	4
Civil Penalties Assessed	-	\$87,950
Continuing Education Hours Assessed	-	204
CPA Audits Assessed	-	2
Trust Account Reexaminations Assessed	-	0
Probation Time Assessed	-	2 (14 Months)
Suspensions	-	3 (16 Months)
Indefinite Suspensions	-	1
Revocations/Voluntary Surrenders	-	3

REAL ESTATE EDUCATION REPORT:

	<u>October</u>
Course Approvals	33
Instructor Approvals	13
Provider Approvals	3
Post Course Approvals	12
Pre Course Approvals	1