

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
December 4, 2014

Commissioners present for all or part of the meeting:

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

Staff present for all or part of the meeting:

Jeff Evans, Executive Officer	Jill Simbro, Education Director
Renner Walker, Assistant Attorney General	Renee Paulsen, Licensing Specialist
Sandy Malek, Investigator	Mary Chase, Background Coordinator
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 9:01 a.m.
Quorum was established.

Motion by Kimes to approve the agenda.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Goede to approve the open session and the closed session November 6, 2014 minutes.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports:

None

Staff Reports:

SchraderBachar announced that the Military Service Application is now available on the PLB website.

Evans reminded the Commissioners to properly complete and sign their Per Diems and travel vouchers for their time and travel expenses while attending the meetings. The electronic PLB newsletter will be available later this month. Evans provided to the Commissioners the IREC Staff Report for the month of November. The licensing specialist for the Accountancy, the Engineering and the Interior Design boards has resigned. License renewals began on November 17th and so far there have been no serious issues. Approximately 4,000 real estate licensees were due to renew by 12/31/14, with 979 having renewed already. Evans reported on the proposed amendment to Iowa Code chapter 557A that 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. This amendment has been tabled to the 2016 Legislative session and will also include sub-divided land registrations.

Communications:

After discussion, **Motion made by Telford to grant waiver 14-011.** The petitioner, who is a licensed attorney in Iowa since 1994, asked the Commission for a waiver of 193E Iowa Administrative Code §§ 4.1(9) & 16.2(1) and the requirement that a newly licensed salesperson complete the required sixty (60) classroom or computer-based hours of real estate principles and practices. The Commission does require that at the time of the application for licensure the Petitioner provide evidence of completion of 12 hours of Developing Professionalism and Ethical Practices, 12 hours of Buying Practices, and 12 hours of Listing Practices.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

After discussion, **Motion made by Telford to grant waiver 14-012.** The petitioner asked for a waiver of 193E Iowa Administrative Code § 16.4(4), and the requirement that no more than twenty-four (24) hours of continuing education be taken by distance education.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment:

McLaughlin reported on the IAR's legislative issues they are following.

Closed Session:

Motion by Kimes 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 DeMott.

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

Motion carried unanimously.

The Commission entered into closed session at 9:17 a.m. and arose there from at 10:05 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: 13-259 and 14-196 and to authorize Duggan (Chair) or Evans (Executive Officer) to sign the accepted settlement and/or consent agreements.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to accept the signed settlements and/or consent agreements for Case No. 14-084 and to authorize Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted settlement and/or consent agreements.

Seconded by Kimes.

VOTE: DeMott, aye; Goede, aye; Haines, aye; Kimes, aye; Telford, aye; Stolk, aye

Abstaining: Duggan

Motion carried.

Motion by Stolk to find probable cause and to authorize Duggan (Chair) or Evans (Executive Officer) to sign the accepted signed settlement agreement for the Case No. 14-205.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford 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 the following cases: 14-207 and 14-221.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to find probable cause on the following cases: 14-125 and 14-126.

Seconded by Haines.

VOTE: DeMott, aye; Goede, aye; Haines, aye; Kimes, aye; Telford, aye; Duggan, aye

Abstaining: Stolk

Motion carried.

Motion by Telford to issue a Cease and Desist Order for Case No. 14-171.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to close the following cases: 14-134, 14-168 and 14-169.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Haines to close Case No. 14-004.

Seconded by Stolk.

VOTE: DeMott, aye; Goede, aye; Haines, aye; Kimes, aye; Duggan, aye; Duggan, aye; Telford, nay

Abstaining: None

Motion carried.

Meeting Schedule:

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

No January 2015 Meeting
Wednesday, February 4th (Telford, Haines)
Wednesday, March 4th (Duggan, Goede)
Wednesday, April 1st

Commission Meetings

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


Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:15 a.m.

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

2-5-15

Date


By: Terry Duggan, Chair

**Iowa Real Estate Commission
 Staff Report (For November 2014)
 December 4, 2014 IREC Meeting**

LICENSING TOTALS:

	<u>Brokers</u>			<u>Salespeople</u>		<u>TOTAL LICENSEES</u>
	<u>Firms</u>	<u>Active</u>	<u>Inactive</u>	<u>Active</u>	<u>Inactive</u>	
November 2014	1,246	3,464	465	5,578	1,379	10,886
November 2013	1,204	3,456	501	5,328	1,462	10,747

EXAMINATIONS ADMINISTERED BY PSI:

	<u>October</u>	<u>Year To Date</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
Broker	38	231	281	207	245	233
Salesperson	158	1,217	1,212	952	781	916

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

	<u>November</u>	<u>Year To Date</u>
2006		1,275
2007		1,113
2008		861
2009		531
2010		604
2011		562
2012		625
2013		835
2014	53	819

BACKGROUND CHECKS:

Year to Date average turnaround time is 20 days.

AUDITS:

	<u>November</u>	<u>Year To Date</u>
Continuing Education	50	400
E & O	33	408
Trust Account	19	324

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	5.1%	1.8%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>November</u>	<u>Year To Date Totals</u>
Complaint Cases Opened	17	222
Final Case Disposition	17	218
Signed Informal Settlement Agreements	11	88
Signed Applicant Consent Agreements	1	24
Signed Cease and Desist by Consent Agreement	0	4
Formal Hearings	0	4
License Denials	0	3
Civil Penalties Assessed	-	\$101,950
Continuing Education Hours Assessed	-	256
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>November</u>
Course Approvals	63
Instructor Approvals	6
Provider Approvals	1
Post Course Approvals	6
Pre Course Approvals	0