

**Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
MINUTES  
March 5, 2015**

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

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

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

Jeff Evans, Executive Officer	Colleen Goddard, Trust Account Auditor
John Lundquist, 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 9:08 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 February 5, 2015 minutes.**

Seconded by Stolk.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Commissioner Reports:**

Goede reported that he has had a few licensees approach him concerning the way discipline cases are reported in the Professional Licensing Bureau newsletter. Staff informed Goede that anyone can search the Professional Licensing Bureau website, [www.plb.iowa.gov](http://www.plb.iowa.gov) under the Discipline section where one is able to search by name, case number, or year. PLB staff is currently working to get all of the past years' discipline available on the new website, much like all cases were available on the past website.

**Staff Reports:**

Lundquist briefed the Commission on House Study Bill 142, which would give licensed real estate brokers the right to claim a lien on commercial property if the broker enters a written contract to provide services to help sell, exchange, rent, lease, or purchase commercial property. The bill is scheduled for consideration before the full House Commerce Committee.

SchraderBachar announced the hiring of Ruby Kreklau as the new licensing specialist for the Accountancy, the Engineering and the Interior Design boards.

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. Evans provided the Commissioners the IREC Staff Report for the month February 2015. Evans reported that the latest Professional Licensing Bureau newsletter was sent out via e-mail at the end of February. Evans congratulated Duggan and Haines on being reappointed to the Commission for their second terms.

**Communications:**

After discussion, **Motion made by Telford to grant waiver 15-003.** The petitioner, who is a licensed attorney in Iowa since 2013, 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 Goede.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Public Comment:**

McLaughlin reported that the Iowa Association of Realtors (IAR) is monitoring legislation regarding a bill providing for the creation of first-time homebuyer savings accounts in Iowa, a bill for an act to require radon testing and mitigation in public schools, a bill relating to the authority of cities to regulate and restrict the occupancy of residential rental property, along with the commercial broker lien bill discussed by Lundquist in his report. He also reported that IAR's Legislative Bus-in Day was a success.

**Closed Session:**

**Motion by Stolk 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: Duggan, aye; Haines, aye; DeMott, aye; Stolk, aye; Goede, aye; Kimes, aye; and Telford, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:23 a.m. and arose there from at 10:15 a.m.

**Open Session:**

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

Seconded by Stolk.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to accept the signed settlement and/or consent agreement for Case No. 14-178 and to authorize Duggan (Chair) or Evans (Executive Officer) to sign the accepted settlement and/or consent agreement.**

Seconded by Haines.

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

Abstaining: Stolk

Motion passed.

**Motion by Telford to accept the signed settlement and/or consent agreement for Case No. 15-004 and to authorize Duggan (Chair), Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted settlement and/or consent agreement.**

Seconded by Haines.

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

Abstaining: Goede

Motion passed.

**Motion by Telford to find probable cause and to authorize Duggan (Chair), Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted signed settlement agreement for the following cases: 14-239, 15-008, 15-011, 15-012, 15-015, 15-017, 15-018, 15-019, 15-023, 15-026 and 15-064.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to find probable cause and to authorize Duggan (Chair) or Evans (Executive Officer) to sign the accepted signed settlement agreement for Case No. 15-024.**

Seconded by Kimes.

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

Abstaining: Stolk

Motion passed.

**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. 15-054.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Haines to grant real estate licensure for the following cases: 15-049 and 15-053.**

Seconded by Goede.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by DeMott to deny real estate licensure for Case No. 15-068.**

Seconded by Haines.

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

Abstaining: Stolk

Motion passed.

**Motion by Telford to find probable cause for the following case: 14-149, 14-179, 15-006 and 15-027.**

Seconded by Stolk.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Haines to close the following cases: 14-177, 14-192, 14-217, 14-222, 14-225, 14-242, 14-243 and 14-244.**

Seconded by Goede.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Haines to close Case No. 15-025.**

Seconded by Telford.

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

Abstaining: Stolk

Motion passed.

**Motion by Telford for staff to draft a letter for the individual seeking a pre-license determination as discussed.**

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, April 1<sup>st</sup> (Telford, DeMott)

Wednesday, May 6<sup>th</sup> (Stolk, Haines)

Wednesday, June 3<sup>rd</sup> (Duggan, Kimes)

No July Meeting

**Commission Meetings**

Thursday, April 2<sup>nd</sup>

Thursday, May 7<sup>th</sup>

Thursday, June 4<sup>th</sup>


No July Meeting

**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:

4-2-15  
Date

  
By: Terry Duggan, Chair

**Iowa Real Estate Commission  
 Staff Report (For February 2015)  
 March 5, 2015 IREC Meeting**

**LICENSING TOTALS:**

	<u>Firms</u>	<u>Brokers</u>		<u>Salespeople</u>		<u>TOTAL LICENSEES</u>
		<u>Active</u>	<u>Inactive</u>	<u>Active</u>	<u>Inactive</u>	
February 2015	1,227	3,360	408	5,427	1,199	10,394
February 2014	1,196	3,363	435	5,179	1,210	10,187

**EXAMINATIONS ADMINISTERED BY PSI:**

	<u>January</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
Broker	22	22	315	281	207	245	233
Salesperson	133	133	1,501	1,212	952	781	916

**BROKERS & SALESPERSONS PROCESSED APPLICATIONS:**

	<u>February</u>	<u>Year To Date</u>
2007		1,113
2008		861
2009		531
2010		604
2011		562
2012		625
2013		835
2014		845
2015	76	241

**BACKGROUND CHECKS:**

Year to Date average turnaround time is 16 days.

**AUDITS:**

	<u>February</u>	<u>Year To Date Totals</u>
Continuing Education	50	102
E & O	100	200
Trust Account	20	46

**PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:**

<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	4.8%	1.8%
2015	14.0%	7.9%

**INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:**

	<u>February</u>	<u>Year To Date Totals</u>
Complaint Cases Opened	25	69
Final Case Disposition	22	38
Signed Informal Settlement Agreements	8	8
Signed Applicant Consent Agreements	4	7
Signed Cease and Desist by Consent Agreement	2	2
Formal Hearings	-	-
License Denials	-	-
Civil Penalties Assessed	-	\$15,250
Continuing Education Hours Assessed	-	16
CPA Audits Assessed	-	-
Trust Account Reexaminations Assessed	-	1
Probation Time Assessed	-	-
Suspensions	-	-
Indefinite Suspensions	-	-
Revocations/Voluntary Surrenders	-	-

**REAL ESTATE EDUCATION REPORT:**

	<u>February</u>	<u>Year To Date Totals</u>
Course Approvals	45	95
Instructor Approvals	3	5
Provider Approvals	2	6
Post Course Approvals	3	5
Prior Course Approvals	0	0
Denied Courses	0	3