

Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
**MINUTES**  
June 4, 2015

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

Terry Duggan, Chair  
Jan DeMott  
Carol Haines

Michael Telford (arrived at 9:25 a.m.)  
Helen Kimes

**Commissioners absent:**

Dennis Stolk, Vice Chair  
John Goede

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

Jeff Evans, Executive Officer  
Renner Walker, Assistant Attorney General  
Sandy Malek, Investigator

Jill Simbro, Education Director  
Renee Paulsen, Licensing Specialist  
Lori SchraderBachar, Site Manager

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

Shannon Holmberg, IAR

**Call to Order:**

Duggan called the meeting to order at 9:13 a.m.  
Quorum was established.

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

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to approve the open session and the closed session May 7, 2015 minutes.**

Seconded by DeMott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Commissioner Reports:**

None

**Staff Reports:**

SchraderBachar announced that the Professional Licensing Bureau newsletter will be published June 5<sup>th</sup>. SchraderBachar briefly mentioned the open position for a licensing specialist; she is hoping to have someone hired by the end of June or beginning of July.

Evans reminded the Commissioners to properly complete, along with sign and date their per diem forms and travel vouchers for their time and travel expenses while attending the meeting. Evans provided the Commissioners the IREC Staff Report for the month of May 2015. Evans thanked Malek, Simbro and Paulsen for doing multiple jobs while PLB is short staffed. Evans mentioned while the Commission has

been short staffed there were 100 applicants last month; along with the FBI log maintained by Paulsen showing there are over 300 backgrounds completed and waiting for applications to come in. Lastly, Evans reminded the Commission there is no meeting in July.

**Rules Task Force:**

A meeting will be held July 22<sup>nd</sup> at 1:00p.m., at PLB conference room. The Rules Task Force Committee will be charged with reviewing and making any necessary changes to Iowa Administrative Code Chapter 193E.

**ARELLO**

**Motion made by Kimes to approve Evans, Lundquist and Duggan to attend the 2015 ARELLO Annual Conference being held September 9 – 13, 2015 in Washington, D.C.**

Seconded by Telford

Vote: Aye: Haines, DeMott, Kimes, Telford      Nay: None      Abstaining: Duggan

Motion passed.

**Public Comment:**

Shannon Holmberg introduced herself as the legal intern for the Iowa Association of Realtors (IAR). She stated Paul McLaughlin looks forward to helping the Rules Task Force Committee in updating the Administrative Code.

**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: Duggan, aye; Haines, aye; DeMott, aye; Kimes, aye; and Telford, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:30 a.m. and arose there from at 10:00 a.m.

**Open Session:**

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

Seconded by Haines.

VOTE: Aye: All      Nay: None      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to accept the Findings of Fact, Conclusions of Law, Decision and Order in Case No. 14-236.**

Seconded by Haines.

VOTE: Aye: All      Nay: None      Abstaining: None

Motion passed unanimously.

**Motion by Haines to accept the signed settlement and/or consent agreements and to authorize Duggan (Chair) or Evans (Executive Officer) to sign the accepted settlement and/or consent agreements for the following cases: 15-036, 15-077, 15-081, 15-114, 15-115 and 15-123.**

Seconded by Telford.

VOTE: Aye: All      Nay: None      Abstaining: None

Motion passed unanimously.

**Motion by Telford to find probable cause and to authorize Evans (Executive Officer) to sign the accepted signed settlement agreement on behalf of the Commission for Case No. 15-126.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: Duggan

Motion passed.

**Motion by Telford to find probable cause and to authorize Duggan (Chair) or Evans (Executive Officer) to sign the accepted signed settlement agreement for the following cases: 14-153, 15-062, 15-094, 15-127 and 15-147.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to grant real estate licensure for Case No. 15-144.**

Seconded by DeMott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to find probable cause for the following cases: 12-286, 14-224, 15-117 and 15-128.**

Seconded by Telford.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to close the following cases: 12-287, 12-288, 15-079, 15-095, 15-104, 15-138, 15-139 and 15-141.**

Seconded by Haines.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to have staff draft a letter for the individual seeking a prelicense determination as discussed.**

Seconded by Haines.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Meeting Schedule:**

Future IREC meetings are tentatively scheduled as follows:

**Investigation Committee**

No July Meeting  
Wednesday, August 5 (Telford, DeMott)  
Wednesday, September 2 (Haines, Kimes)  
Wednesday, September 30 (Goede, Stolk)  
Wednesday, November 4  
Wednesday, December 2

**Commission Meetings**

No July Meeting  
Thursday, August 6  
Thursday, September 3  
Thursday, October 1  
Thursday, November 5  
Thursday, December 3

**Meeting Adjourned**

With all agenda items covered, the meeting adjourned at 10:05 a.m.

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

8-6-15  
Date TD

  
By: Terry Duggan, Chair

**Iowa Real Estate Commission  
 Staff Report (For May 2015)  
 June 4, 2015 IREC Meeting**

**LICENSING TOTALS:**

	Firms	<u>Brokers</u>		<u>Salespeople</u>		<u>TOTAL LICENSEES</u>
		Active	Inactive	Active	Inactive	
May 2015	1,235	3,401	419	5,626	1,244	10,690
May 2014	1,214	3,410	445	5,372	1,254	10,481

**EXAMINATIONS ADMINISTERED BY PSI:**

	<u>April</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
Broker	29	102	315	281	207	245	233
Salesperson	178	584	1,501	1,212	952	781	916

**BROKERS & SALESPERSONS PROCESSED APPLICATIONS:**

	<u>May</u>	<u>Year To Date</u>
2007		1,113
2008		861
2009		531
2010		604
2011		562
2012		625
2013		835
2014		845
2015	102	535

**BACKGROUND CHECKS:**

Year to Date average turnaround time is 20 days.

**AUDITS:**

	<u>May</u>	<u>Year To Date Totals</u>
Continuing Education	50	202
E & O	63	337
Trust Account	29	128

**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	18.0%	3.0%

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

	<u>May</u>	<u>Year To Date Totals</u>
Complaint Cases Opened	26	160
Final Case Disposition	32	135
Signed Informal Settlement Agreements	19	56
Signed Applicant Consent Agreements	1	13
Signed Cease and Desist by Consent Agreement	-	2
Formal Hearings	-	-
License Denials	-	2
Civil Penalties Assessed	-	\$60,500
Continuing Education Hours Assessed	-	32
CPA Audits Assessed	-	-
Trust Account Reexaminations Assessed	-	2
Probation Time Assessed	-	-
Suspensions	-	-
Indefinite Suspensions	-	-
Revocations/Voluntary Surrenders	-	1
Statement of Charges Filed (Outstanding)	-	3

**REAL ESTATE EDUCATION REPORT:**

	<u>May</u>	<u>Year To Date Totals</u>
Course Approvals	32	215
Instructor Approvals	0	20
Provider Approvals	0	9
Post Course Approvals	2	11
Prior Course Approvals	0	3
Denied Courses	5	10