

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
October 1, 2015

Commissioners present for all or part of the meeting:

Terry Duggan, Chair	Michael Telford
Dennis Stolk, Vice Chair	John Goede
Jan DeMott	

Commissioners absent:

Carol Haines	Helen Kimes
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Staff present for all or part of the meeting:

Jeff Evans, Executive Officer	Tracy Lindgren, Licensing Specialist
John Lundquist, Assistant Attorney General	Colleen Goddard, Trust Account Auditor
Sandy Malek, Investigator	Jill Simbro, Education Director
Renee Paulsen, Background Coordinator	

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

Paul McLaughlin, Iowa Association of Realtors	Jeremy Danilson, Danilson Law, PLC
Dave Riley, FSBOHome.com	

Call to Order:

Duggan called the meeting to order at 9:07 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.

Approval of Minutes:

Motion by Stolk to approve the open session and the closed session September 3, 2015 minutes.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports:

DeMott briefly discussed her participation in the recent Iowa Association of Realtors (IAR) 2015 Annual Convention. She was encouraged by the discussions that took place, especially on teams and advertising and that rules and/or guidelines need to be in place.

Duggan provided a report on his recent participation at the ARELLO Annual Conference and found that Iowa is having the same regulatory issues as other jurisdictions.

Staff Reports:

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 September 2015. Evans mentioned that the Professional Licensing Bureau newsletter was published and e-mailed out to all licensees on September 23rd. Evans introduced Tracy Lindgren as the new Licensing Specialist who started on September 11th and announced that the other Licensing Specialist position is expected to be filled effective October 9th. Evans provided the IAR Board of Directors an IREC report at their meeting on September 25th. Evans briefly discussed the progress on the new licensing system.

Lundquist reported that he attended the ARELLO Annual Conference with Duggan and Evans. Lundquist found the meeting to be informative and he continued to network with prior and newfound contacts.

ARELLO:

In September, Evans, Duggan and Lundquist attended the ARELLO 2015 Annual Conference, which was held in Washington, D.C. Evans presented the Commission with a written report, providing meeting highlights.

Public Comment:

Paul McLaughlin announced that the Iowa Association of Realtor's 2015 Annual Convention took place in September and that 576 members were in attendance.

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 DeMott.

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

The Commission entered into closed session at 9:16 a.m. and arose there from at 9:55 a.m.

Open Session:

Motion by Telford to return to open session.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to accept the signed settlement and/or consent agreements and to authorize Duggan (Chair), Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted settlement and/or consent agreements for the following cases: 13-174, 15-152, 15-153, 15-157, 15-180, 15-190, 15-191, 15-199 and 15-202.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Goede 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: 15-217, 15-221, 15-223, 15-230 and 15-240.

Seconded by Demott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to enter into a Consent Agreement with the applicant, and to authorize Evans (Executive Officer) to sign on behalf of the Commission and then grant licensure for IREC Case No. 15-249.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to find probable cause for the following cases: 15-169, 15-216, 15-238, 15-241, 15-242, 15-243, 15-246, 15-251, 15-252 and 15-256.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to close the following cases: 15-187, 15-210, 15-220 and 15-253.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to rescind probable cause and close IREC Case No. 14-179.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 15-149 and the allegations of the unlicensed practice of real estate. It was determined that the file will be tabled to a future meeting.

Discussion was held re: IREC Case No. 15-195 and the allegations of the unlicensed practice of real estate. It was determined that the file will be tabled to a future meeting.

Discussion was held re: IREC Case No. 15-218 and the allegations of the unlicensed practice of real estate. It was determined that the file will be tabled to a future meeting.

Future Meeting Dates:

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

Wednesday, November 4 (Duggan, Goede)
Wednesday, December 2 (Kimes, Telford)
Wednesday, February 3
Wednesday, March 2

Commission Meetings

Thursday, November 5
Thursday, December 3
Thursday, February 4
Wednesday, March 3

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:35 a.m.

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

Date



By: Terry Duggan, Chair

**Iowa Real Estate Commission
 Staff Report (For September 2015)
 October 1, 2015 IREC Meeting**

LICENSING TOTALS:

	Firms	Brokers		Salespeople		TOTAL LICENSEES
		Active	Inactive	Active	Inactive	
September 2015	1,251	3,433	440	5,810	1,318	11,001
September 2014	1,235	3,448	455	5,563	1,307	10,915

EXAMINATIONS ADMINISTERED BY PSI:

	<u>August</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
Broker	22	191	315	281	207	245	233
Salesperson	102	1,098	1,501	1,212	952	781	916

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

	<u>September</u>	<u>Year To Date</u>
2007		1,113
2008		861
2009		531
2010		604
2011		562
2012		625
2013		835
2014		845
2015	66	828

BACKGROUND CHECKS:

Year to Date average turnaround time is 19 days.

AUDITS:

	<u>September</u>	<u>Year To Date Totals</u>
Continuing Education	0	352
E & O	21	497
Trust Account	35	257

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	4.8%	1.8%
2015	18.5%	3.4%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>September</u>	<u>Year To Date Totals</u>
Complaint Cases Opened	27	271
Final Case Disposition	33	244
Signed Informal Settlement Agreements	9	95
Signed Applicant Consent Agreements	2	20
Signed Cease and Desist by Consent Agreement	-	2
Formal Hearings	-	1
License Denials	-	3
Civil Penalties Assessed	-	\$110,500
Continuing Education Hours Assessed	-	68
CPA Audits Assessed	-	1
Trust Account Reexaminations Assessed	-	5
Probations Assessed	-	1
Suspensions Assessed	-	2
Revocations/Voluntary Surrenders	-	2
Statement of Charges Filed (Outstanding)	-	9

REAL ESTATE EDUCATION REPORT:

	<u>September</u>	<u>Year To Date Totals</u>
Course Approvals	49	428
Instructor Approvals	7	45
Provider Approvals	0	17
Post Course Approvals	2	28
Prior Course Approvals	1	4
Denied Courses	9	27