

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
March 3, 2016

Commissioners present for all or part of the meeting:

Terry Duggan, Chair	John Goede
Dennis Stolk, Vice Chair	Helen Kimes
Jan DeMott	Mike Telford

Staff present for all or part of the meeting:

Jeff Evans, Executive Officer	Lori SchraderBachar, Site Manager
John Lundquist, Assistant Attorney General	Colleen Goddard, Auditor
Sandy Malek, Investigator	Jill Simbro, Education Director
Tracy Lindgren, Licensing Specialist	

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

Paul McLaughlin, Iowa Association of Realtors	Gavin Blair, Iowa Association of Realtors
Ken Clark, Iowa Association of Realtors	Dave Riley, FSBO Homes
Chad Boge, FSBO Homes	Jeremy Danilson, Danilson Law

Call to Order:

Duggan called the meeting to order at 10:02 a.m.
Quorum was established.

Introductions were made. Gavin Blair was introduced as the new CEO of the Iowa Association of Realtors (IAR).

Motion by Stolk to approve the agenda.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes:

Motion by Goede to approve the open session and the closed session February 4, 2016 IREC meeting minutes.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports:

None

Staff Reports:

Lundquist reported the hearing scheduled for today has been continued until the May Commission meeting.

SchraderBachar is completing the finishing touches on the newsletter and asked that any articles be submitted to Evans by the end of the day. SchraderBachar asked the Commission members if there are items that they would like PLB staff to do that they are not currently doing and if there are any items that staff could do better. Commissioners are to provide any suggestions to her via email.

Evans announced Stolk has been reappointed for his second term, pending Senate confirmation. To date, the public member slot vacated by Haines is still open. Evans reminded the Commissioners that if they expect to be reimbursed for travel expenses, original and itemized receipts will need to be submitted to staff. Evans provided copies and submitted the IREC Staff report for January 2016 and February 2016 to the Commission.

Public Comment:

Clark reported the Iowa Association of Realtors had good attendance for their Legislative Bus-In Day on March 2, 2016 with over 300 attending. McLaughlin expressed his appreciation to the Commissioners for their service to the public.

Formal Hearing:

The hearing scheduled for IREC Case No. 15-262 has been continued pursuant to the request of the Respondent's counsel, who stated that additional time was needed so that discovery can be conducted. The hearing is rescheduled for May 5, 2016.

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 Stolk.

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

Motion carried unanimously.

The Commission entered into closed session at 10:07 a.m. and arose there from at 10:54 a.m.

Open Session:

Motion by Kimes to return to open session.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to accept the signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Duggan (Chair), Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 14-031, 15-309 and 15-318.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to accept the signed settlement and/or consent agreement for the case discussed in closed session and to authorize Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted signed Settlement Agreement/Consent Agreement for IREC Case No. 15-287.

Seconded by Goede.

VOTE: Aye: DeMott, Goede, Kimes, Stolk, Telford Nay: None Abstaining: Duggan
Motion passed.

Motion by Stolk 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: 15-349 and 15-350.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to enter into a Consent Agreement with the applicants and to authorize Evans (Executive Officer) to sign on behalf of the Commission and then grant licensure when all other licensing requirements have been met for the following cases: 16-041 and 16-042

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to grant licensure for IREC Case No. 16-023 and IREC Case No. 16-024.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to find probable cause for the following cases: 16-012, 16-017, 16-030, 16-031, 16-032 and 16-034.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to find probable cause for IREC Case No. 16-016.

Seconded by Kimes.

VOTE: Aye: DeMott, Goede, Kimes, Stolk, Telford Nay: None Abstaining: Duggan

Motion passed.

Motion by Kimes to close the following cases: 15-351 and 16-019.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to grant a time extension to pay the civil penalty for IREC Case No. 15-174.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 15-218 and the allegations of the unlicensed practice of real estate.

Motion by Telford to close the file.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: Case No. 15-272 and the allegations of the unlicensed practice of real estate. The Commission will amend the Cease and Desist Order by Consent Agreement that was originally proposed for the Respondent's consideration.

Discussion was held re: Case No. 15-339 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, April 6 (DeMott, Telford)
Wednesday, May 4 (Kimes, Goede)
Wednesday, June 8 (DeMott, TBD)
No July Meeting
Wednesday, August 3

Commission Meetings

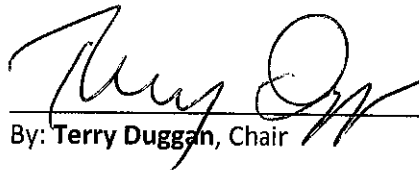
Thursday, April 7
Thursday, May 5
Thursday, June 9
No July Meeting
Thursday, August 4

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 11:19 a.m.

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

4/7/16
Date


By: Terry Duggan, Chair

**Iowa Real Estate Commission
 Staff Report (For February 2016)
 March 3, 2016 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>	
February 2016	1,233	3,348	396	5,666	1,193	10,603
February 2015	1,227	3,360	408	5,427	1,199	10,394

EXAMINATIONS ADMINISTERED BY PSI:

	<u>January</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
Broker	17	17	324	315	281	207	245
Salesperson	186	186	1,638	1,501	1,212	952	781

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

	<u>February</u>	<u>Year To Date</u>
2008		861
2009		531
2010		604
2011		562
2012		625
2013		835
2014		845
2015		972
2016	84	242

BACKGROUND CHECKS:

Year to Date average turnaround time is 21.5 days.

AUDITS:

	<u>February</u>	<u>Year To Date Totals</u>
Continuing Education	93	93
E & O	82	82
Trust Account	22	53

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

<u>Year</u>	<u>E&O</u>	<u>Continuing Education</u>
2008	15%	4%
2009	33%	6%
2010	18%	5%
2011	15%	5%
2012	21%	5%
2013	11%	3%
2014	4.8%	1.8%
2015	15.9%	3.2%
2016	8.5%	5.4%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>February</u>	<u>Year To Date Totals</u>
Complaint Cases Opened	33	48
Final Case Disposition	12	19
Signed Informal Settlement Agreements	20	20
Signed Applicant Consent Agreements	6	6
Signed Cease and Desist by Consent Agreement	-	-
Formal Hearings	-	-
License Denials	-	-
Civil Penalties Assessed	-	-
Continuing Education Hours Assessed	-	-
CPA Audits Assessed	-	-
Trust Account Reexaminations Assessed	-	-
Probations Assessed	-	-
Suspensions Assessed	-	-
Revocations/Voluntary Surrenders	-	-
Statement of Charges Filed (Outstanding)	-	-

REAL ESTATE EDUCATION REPORT:

	<u>February</u>	<u>Year To Date Totals</u>
Course Approvals	56	120
Instructor Approvals	17	21
Provider Approvals	3	3
Post Course Approvals	-	-
Prior Course Approvals	2	3
Denied Courses	-	-