

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
April 7, 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	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	Jaime Niblo, Chayse Holdings, LLC
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Call to Order

Duggan called the meeting to order at 9:11 a.m.

Quorum was established.

Introductions were made.

Motion by Telford to approve the agenda.

Seconded by Stolk.

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 March 3, 2016 IREC meeting minutes.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

None

Staff Reports

SchraderBachar announced PLB has an Executive Officer position open for the Real Estate Appraiser and the Interior Design boards. Evans has been serving as the interim Executive Officer for the Interior Design board. Evans reported there has not been an announcement from the Governor's office concerning the replacement of the public member position. 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 announced there would be a hearing at the May 5th Commission Meeting. Evans provided copies and submitted the IREC Staff report for March 2016 to the Commission.

Communications

Waiver 16-03 – Jaime Niblo, petitioner, spoke to the Commission. The petitioner asked the Commission for a waiver of 193E Iowa Administrative Code § 3.1(6) and the required 24-month active salesperson experience under a sponsoring broker to obtain an Iowa real estate broker's license. After discussion it was determined that the petitioner is already eligible to use all of her Iowa salesperson experience and therefore would have the full 24 months salesperson experience in June of 2016. Niblo withdrew her waiver request.

PSI Contract Renewal

After discussion **motion by Telford to grant an extension of the current contract with PSI for one year beginning July 1, 2016 with an examination fee of \$101.00.**

Seconded by Stolk

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

ARELLO

Motion by Kimes to approve sending one Commission staff and Commissioner Duggan to the 2016 ARELLO District 2/3 Conference in Oklahoma City, OK June 2-4, 2016.

Seconded by DeMott.

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

Motion passed.

Public Comment

McLaughlin reported the Iowa Association of Realtors (IAR) summer meetings will be held June 7 – 9, 2016 in Sioux City, Iowa.

Closed Session

Motion by Kimes to enter into closed session pursuant to Iowa Code §§ 21.5(1)(a), 21.5(1)(d), 21.5(1)(f) and 543B.15(9) to review pending licensee discipline cases and investigations, including any cases ready for final resolution through closure or consent order.

Seconded by Goede.

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 9:25 a.m. and arose there from at 10:10 a.m.

Open Session

Motion by Telford to return to open session.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes 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: 15-272, 15-320, 15-321, 15-325, 15-332, 15-343, 16-007 and 16-031.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes 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. 16-016.

Seconded by Stolk.

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: 16-054 and 16-059.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

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 IREC Case No. 16-015.

Seconded by DeMott.

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

Motion passed.

Motion by Kimes 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: 16-057, 16-058, 16-080, 16-083, 16-084, 16-096, 16-097, 16-102 and 16-108.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to grant licensure for IREC Case No. 16-049.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to grant licensure for IREC Case No. 16-062.

Seconded by Stolk.

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

Motion passed.

Motion by Stolk to find probable cause for the following cases: 16-026, 16-027, 16-039, 16-047, 16-052, 16-061, 16-064, 16-067, 16-070, 16-093, 16-114.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to close the following cases: 16-046, 16-055, 16-085 and 16-092.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 15-133 and the allegations of the unlicensed practice of real estate.

Motion by Stolk to close the file.

Seconded by Goede.

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

Motion carried unanimously.

Future Meeting Dates

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

Wednesday, May 4 (Kimes, Goede)

Wednesday, June 8 (DeMott, Duggan)

No July Meeting

Wednesday, August 3 (Telford, Kimes)

Commission Meetings

Thursday, May 5

Thursday, June 9

No July Meeting

Thursday, August 4

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:23 a.m.

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

5-5-16
Date


By: Terry Duggan, Chair

**Iowa Real Estate Commission
 Staff Report (For March 2016)
 April 7, 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>	
March 2016	1,254	3,360	406	5,757	1,200	10,723
March 2015	1,235	3,378	411	5,480	1,214	10,483

EXAMINATIONS ADMINISTERED BY PSI:

	<u>February</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
Broker	24	41	324	315	281	207	245
Salesperson	165	351	1,638	1,501	1,212	952	781

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

	<u>March</u>	<u>Year To Date</u>
2008		861
2009		531
2010		604
2011		562
2012		625
2013		835
2014		845
2015		972
2016	94	336

BACKGROUND CHECKS:

Year to Date average turnaround time is 23 days.

AUDITS:

	<u>March</u>	<u>Year To Date Totals</u>
Continuing Education	50	143
E & O	84	166
Trust Account	31	85

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	21.7%	7.7%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>March</u>	<u>Year To Date Totals</u>
Complaint Cases Opened	58	106
Final Case Disposition	12	19
Signed Informal Settlement Agreements	6	26
Signed Applicant Consent Agreements	2	8
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>March</u>	<u>Year To Date Totals</u>
Course Approvals	49	169
Instructor Approvals	11	32
Provider Approvals	2	5
Post Course Approvals	-	-
Prior Course Approvals	0	3
Denied Courses	1	1