

the Governor's office earlier in the week and there is no update 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 provided copies and submitted the IREC Staff report for August 2016 to the Commission. Evans mentioned the PLB Newsletter will be distributed late in September. Evans also announced the proposed rule amendments for 193E Iowa Administrative Code Chapters 3, 4 and 5 are scheduled to be noticed on September 14th.

Communications

After discussion, **Motion by Telford to deny waiver 16-10.** Mike Flynn, petitioner, spoke to the Commission and explained why he had failed to renew his broker's license, which expired on December 31, 2012. Flynn, who was licensed as a real estate sole-proprietor broker, asked the Commission for a waiver of 193E Iowa Administrative Code §3.6(3) and the requirement that a broker who fails to reinstate an expired license by December 31 of the third year following expiration shall be treated as if the former broker had never been licensed in Iowa.

Seconded by DeMott.

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

Motion passed unanimously.

Public Comment

Ken Clark, 2016 President of the Iowa Association of REALTORS®, addressed the Commission and announced that two 100 year anniversaries are being celebrated this year. The first one being, 100 years of the use of the REALTOR® trademark and the second, the Iowa Association of REALTORS® is celebrating 100 years of existence. Clark thanked the Commission for their work and encouraged the Commission to hold Brokers accountable for the actions of their agents.

McLaughlin reported the Iowa Association of Realtors (IAR) Convention will be held from September 13 – 16, 2016 in Coralville, Iowa. McLaughlin also said that he was willing to work with staff in making proposed amendments to the administrative code.

Staff Reports

Lundquist informed the Commission that a Petition for Judicial Review was filed on July 8, 2016, seeking judicial review of a final administrative order issued by the Commission dated June 9, 2016 that revoked Edith L. Hines' broker license. Lundquist stated that he intends to file a Motion to Dismiss as it was his opinion that Hines failed to comply with the service requirement of Iowa Code § 17A.19(2).

Lundquist left the meeting.

Closed Session (1)

Motion by Stolk 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 discuss the decision to be rendered in a contested case.

Seconded by Telford.

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

Motion passed unanimously.

The Commission entered into closed session at 9:35 a.m. and arose from there at 9:38 a.m.

Open Session

Motion by Telford to return to open session.

Seconded by Stolk

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Lundquist returned to the meeting

Motion by Telford to accept the Findings of Fact, Conclusions of Law, Decision and Order for IREC Case No. 15-265.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Closed Session (2)

Motion by Telford 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 Stolk.

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

Motion passed unanimously.

The Commission entered into closed session at 9:39 a.m. and arose from there at 10:46 a.m.

Open Session

Motion by DeMott to return to open session.

Seconded by Telford.

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: 15-337, 16-013, 16-047, 16-052, 16-093, 16-094, 16-095, 16-114, 16-160, 16-167, 16-186 and 16-218.

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 the following cases 16-112, 16-195, 16-208, and 16-214.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to grant licensure for IREC Case number 16-268.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to grant authorization to take the appropriate licensing examination for IREC Case No. 16-260.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to find probable cause for the following cases: 15-333, 15-340, 16-222, 16-234, 16-236, 16-241, 16-262, 16-263, 16-264, 16-281, 16-282.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to find probable cause for the following cases: 16-043 and 16-111.

Seconded by DeMott.

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

Motion passed.

Motion by DeMott to close the following cases: 15-341, 16-033, 16-163, 16-176, 16-192, 16-198, 16-199, 16-201, 16-226, 16-229, 16-230, 16-233, 16-245 and 16-249.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to close IREC Case No. 16-044.

Seconded by Telford.

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

Motion passed.

Discussion was held re: IREC Case No. 15-339 and the allegations of the unlicensed practice of real estate.

Motion by Stolk to issue "Notice of Intent to Impose Civil Penalty" in the amount of \$5,000 pursuant to 193E Iowa Administrative Code § 21.5.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion carried unanimously.

Future Meeting Dates

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

Wednesday, October 5 (DeMott, Telford)

Wednesday, November 2 (Stolk, Kimes)

Wednesday, November 30

Commission Meetings

Thursday, October 6

Thursday, November 3

Thursday, December 1

Wednesday, February 1
Wednesday, March 1

Thursday, February 2
Thursday, March 2

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:55 a.m.

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

10-6-16
Date


By: Terry Duggan, Chair

Iowa Real Estate Commission Staff Report (For August 2016) September 1, 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>	
August 2016	1,270	3,431	420	6,076	1,271	11,198
August 2015	1,249	3,426	433	5,781	1,296	10,936

EXAMINATIONS ADMINISTERED BY PSI:

	<u>July</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
Broker	21	163	324	315	281	207	245
Salesperson	159	1,149	1,638	1,501	1,212	952	781

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

	<u>August</u>	<u>Year To Date</u>
2008		861
2009		531
2010		604
2011		562
2012		625
2013		835
2014		845
2015		972
2016	91	764

BACKGROUND CHECKS:

Year to Date average turnaround time is 21 days.

AUDITS:

	<u>August</u>	<u>Year To Date Totals</u>
Continuing Education	50	343
E & O	-	293
Trust Account	29	223

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	25.6%	4.7%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>August</u>	<u>Year To Date Totals</u>
Complaint Cases Opened	31	279
Final Case Disposition	49	240
Signed Informal Settlement Agreements	25	107
Signed Applicant Consent Agreements	4	24
Signed Cease and Desist by Consent Agreement	1	3
Formal Hearings	1	2
License Denials	-	-
Civil Penalties Assessed	-	\$122,250
Continuing Education Hours Assessed	-	208
CPA Audits Assessed	-	1
Trust Account Reexaminations Assessed	-	2
Probations Assessed	-	1
Suspensions Assessed	-	-
Revocations/Voluntary Surrenders	-	2
Statement of Charges Filed (Outstanding)	-	9

REAL ESTATE EDUCATION REPORT:

	<u>August</u>	<u>Year To Date Totals</u>
Course Approvals	72	468
Instructor Approvals	6	64
Provider Approvals	2	13
Post Course Approvals	3	7
Prior Course Approvals	24	30
Denied Courses	4	8