

**Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
December 1, 2016**

Commissioners present for all or part of the meeting

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|--------------------------|----------------------------|
| Terry Duggan, Chair | Mike Telford |
| Dennis Stolk, Vice Chair | Jan DeMott |
| Helen Kimes | John Goede (via telephone) |

Commissioners not present

N/A

Staff present for all or part of the meeting

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| Jeff Evans, Executive Officer | Sandy Malek, Investigator |
| John Lundquist, Assistant Attorney General | Pamela Black, Licensing Specialist |
| Tracy Lindgren, Background Coordinator | Colleen Goddard, Trust Account Auditor |

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

Paul McLaughlin, Iowa Association of Realtors

Call to Order

Duggan called the meeting to order at 9:04 a.m.
Quorum was established.

Motion by Stolk to approve the agenda.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by Telford to approve the open session and the closed session November 3, 2016 IREC meeting minutes.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

None

Staff Reports

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 that the Commission is in the middle of the real estate license renewal period. Approximately 1,000 real estate licensure renewals have taken place with a total of approximately 4,300 licenses that are set to expire on December 31, 2016. Evans anticipated that the quarterly Professional Licensing Bureau Newsletter will be available by end of December. Evans told the Commissioners to enjoy having January off and the next regularly scheduled meeting was in February.

Communications

After discussion, **Motion by Telford to grant waiver 16-11.** The petitioner, who is a licensed broker in the State of Illinois and a potential applicant for real estate licensure in the state of Iowa, asked the Commission for a waiver of 193E Iowa Administrative Code § 5.1(2) and the requirement that a licensed broker or broker associate in another jurisdiction making application in Iowa as provided in rule 193E 5.3 shall qualify only for the same type of broker or broker associate license in Iowa. The petitioner wishes to be licensed as a salesperson in Iowa.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

After discussion, **Motion by Telford to grant waiver 16-12.** The petitioner, who is a licensed salesperson in the state of Iowa, asked the Commission for a waiver of 193E Iowa Administrative Code § 16.4(4) and the requirement that a maximum of 24 hours of continuing education may be taken by distance education each three-year renewal period. The petitioner cited medical issues and provided documentation of a disability that he is unable to attend continuing education classes in a classroom setting.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment

McLaughlin reported that the Iowa Association of Realtors (IAR) Winter Meetings will be held December 6th – 7th at the IAR office in Clive.

Closed Session (1)

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 Telford.

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

Motion passed unanimously.

The Commission entered into closed session at 9:12 a.m. and arose from there at 10:15 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.

Closed Session (2)

Motion by Telford to enter into closed session pursuant to Iowa Code §§ 21.5(1)(a) to review and discuss the Office of the Ombudsman's Investigative Report re: IREC Case Nos. 15-095 and 15-141.

Seconded by Kimes.

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

Motion passed unanimously.

The Commission entered into closed session at 10:17 a.m. and arose from there at 11:17 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 Stolk 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 IREC Case No. 16-210 and IREC Case No. 16-274

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to find probable cause 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 agreement for IREC Case No. 16-217, 16-270, 16-292, 16-298, 16-314, 16-315, 16-316, 16-320, 16-327, 16-341.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to find probable cause for the cases discussed in closed session and to authorize Duggan (Chair) or Evans (Executive Officer) to sign the accepted, signed settlement agreement for IREC Case No. 16-280.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: Stolk

Motion passed.

Motion by Telford to enter into a Consent Agreement with the Applicant, with Executive Officer Evans signing on behalf of the Commission and then grant licensure when all other licensing requirements have been met for IREC Case No. 16-353.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to find probable cause for the following cases: 16-116, 16-225, 16-330, 16-334, 16-335, 16-340, 16-349 as discussed in closed session.

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford to close IREC Case No. 16-323 and IREC Case No. 16-336 as discussed in closed session.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to rescind the probable cause finding and close IREC Case No. 15-340 as discussed in closed session.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott for staff to draft a letter for the individuals seeking a prelicense determination as discussed in closed session for IREC Case No. 16-348 and IREC Case No. 16-350.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes for staff to respond to the Office of the Ombudsman's request for response re: 15-095, 15-141 in accordance to the discussion that took place in closed session.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

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

Motion by Telford to rescind "Notice of Intent to Impose Civil Penalty" and close the file.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion carried unanimously.

Discussion was held re: IREC Case No. 16-284 and the allegations of the unlicensed practice of real estate.

Motion by Telford to issue "Notice of Intent to Impose Civil Penalty" in the amount of \$500 pursuant to 193E Iowa Administrative Code § 21.5.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 16-286 and the allegations of the unlicensed practice of real estate.

Motion by Stolk to close the file.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meeting Dates

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

Wednesday, February 1 (Kimes, DeMott)
Wednesday, March 1 (Goede, Telford)
Wednesday, April 5
Wednesday, May 3

Commission Meetings

Thursday, February 2
Thursday, March 2
Thursday, April 6
Thursday, May 4

