

Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
MINUTES  
September 7, 2017

**Commissioners present for all or part of the meeting**

Terry Duggan, Chair Elizabeth Hansen  
Jan DeMott Helen Kimes  
Michael Telford

**Commissioners not present for meeting**

Dennis Stolk, Vice Chair

**Staff present for all or part of the meeting**

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

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

Paul McLaughlin, Iowa Association of Realtors, IAR Mary Kennedy, Cort Landing, LLC  
Amanda Nagle, Iowa Association of Realtors, IAR

**Call to Order**

Duggan called the meeting to order at 9:05 a.m.  
Quorum was established.

Introductions were made.

**Motion by Kimes to approve the agenda.**

Seconded by DeMott.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

**Approval of Minutes**

**Motion by DeMott to approve the open session and the closed session August 3, 2017 IREC meeting minutes.**

Seconded by Hansen.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

**Commissioner Reports**

Telford attended the Administrative Rules Review Committee on August 4<sup>th</sup> along with Lundquist and SchraderBachar. He reported no questions were asked of the Real Estate Commission.

**Staff Reports**

Lundquist reiterated his attendance at the Administrative Rules Review Committee with Telford and SchraderBacher.

SchraderBachar reviewed submitting expenses when traveling on behalf of the Commission. Detailed receipts are to be turned in within 30 days of travel. SchraderBachar announced PLB will go live with the new database on Monday, September 11, 2017.

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 congratulated Telford on being named Executive Director of the Iowa Farm Animal Care coalition. Rule changes to chapters 3, 4, and 5 of Administrative Code 193E became effective September 6, 2017. Evans mentioned staff is finishing interviews for the Licensing Specialist position tomorrow. Evans thanked SchraderBachar and Simbro for their part in establishing the new database.

#### Administrative Rules

**Motion by Telford to have staff "Notice to Adopt" ARC 3154C and the changes made to 193E Chapters 7, 16 and 17.**

Seconded by Kimes

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

#### Public Comment

McLaughlin reported the Iowa Association of Realtors (IAR) Annual State Convention is being held in Coralville, Iowa from September 12 – 15, 2017. Mary Kennedy, Cort Landing asked the Commission what the criteria for competency is for licensure and what can be done when there has been a breach of duty. Lundquist referred her to Administrative Code 193 E, Chapter 18 Investigations and Disciplinary Procedures.

#### 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 Hansen.

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

Motion passed unanimously.

The Commission entered into closed session at 9:27 a.m. and arose from there at 10:39 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 IREC Case no. 17-108.**

Seconded by DeMott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Hansen 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 the following cases: 17-124, 17-143, 17-149, 17-164, 17-170 and 17-186.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed unanimously.

**Motion by Kimes to grant licensure for IREC Case No. 17-197.**

Seconded by Hansen.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed unanimously.

**Motion by Hansen to grant licensure for IREC Case No. 17-001.**

Seconded by Kimes.

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

Motion passed.

**Motion by Kimes to issue a "Notice of Intent to Deny License" for IREC Case No. 17-194.**

Seconded by DeMott.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed unanimously.

**Motion by Telford to find probable cause for the following cases: 17-116, 16-289 and 17-044 as discussed in closed session.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed unanimously.

**Motion by Hansen to close the following cases: 17-158, 17-172, 17-173, 17-175, 17-183 and 17-185 as discussed in closed session.**

Seconded by DeMott.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed unanimously.

**Motion by Telford to rescind the probable cause finding and close for IREC Case No. 17-043 and IREC Case No. 17-115 as discussed in closed session.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 17-154 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty.**

Seconded by Hansen.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed unanimously.

**Future Meeting Dates**

Future IREC meetings are tentatively scheduled as follows:

**Investigation Committee**

Wednesday, October 4 (Stolk, DeMott)  
Wednesday, November 1 (Kimes, Duggan)  
Wednesday, December 6 (DeMott)  
No January Meeting

**Commission Meetings**

Thursday, October 5  
Thursday, November 2  
Thursday, December 7  
No January Meeting

**Meeting Adjourned**

With all agenda items covered, the meeting adjourned at 10:47 am.

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

10-5-17

Date

  
By: TERRANCE M. DUGGAN, Chair