

Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
MINUTES  
March 7, 2019

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

Terry Duggan, Chair via telephone  
Dennis Stolk, Vice Chair  
Jan DeMott

Helen Kimes  
Michael Telford  
Jim Clingman

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

Jeff Evans, Executive Officer  
Jill Simbro, Education Director  
Colleen Goddard, Trust Account Auditor  
Lucas Longman, PLB Investigator

Alan Nagel, Assistant Attorney General  
Tracy Lindgren, Background Coordinator  
Ashley Thompson, Licensing Specialist

**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 9:03 a.m.  
Quorum was established.

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

Seconded by DeMott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Approval of Minutes**

**Motion by Kimes to approve the open and closed sessions of the February 7, 2019 IREC meeting minutes.**

Seconded by Clingman.

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 would need to be submitted to staff. Evans introduced Assistant Attorney General Alen Nagel who is filling in for AAG, John Lundquist. Evans congratulated Stolk for his reappointment on his third term and announced that the Governor's office filled the vacant public member seat. Evans announced that PLB Investigator, Longman's last day is March 8, 2019 and thanked him for his time and efforts and work on behalf of the Commission.

**Communications**

After discussion, **Motion by Telford to deny waiver 19-02.** The petitioner, who was originally licensed as a broker in Nebraska on August 13, 2018, is asking the Commission for a waiver of 193E Iowa Administrative Code §§ 3.1(6) which states, an applicant for licensure as a real estate broker must have been a licensed real estate salesperson actively engaged in real estate for a period of at least 24 months preceding the date of application, or shall have had experience as a former broker or salesperson or otherwise substantially equivalent experience to that which a licensed real estate salesperson would ordinarily receive during a period of 24 months. The petitioner was not in attendance to speak on his own behalf.

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Administrative Rules**

Evans reported that the finalized rule revisions for ARC 4250C re: Chapter 1 Organization and Operation became effective on February 20, 2019.

**Public Comment**

McLaughlin reported on his attendance at the Iowa Association of Realtor's Legislative Day on March 6, 2019. McLaughlin also reported that the IAR is planning the grand opening of their new office for a date in October 2019. McLaughlin reminded the Commission that the IAR Summer Meetings are scheduled for June 2019, to be held in Carroll, Iowa.

**Closed Session**

**Motion by Clingman 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: Clingman, aye; DeMott, aye; Duggan, aye; Kimes, aye; Stolk, aye; and Telford, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:20 a.m. and arose from there at 9:39 a.m.

**Open Session**

**Motion by DeMott to return to open session.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to accept the signed settlement and/or consent agreement for the case discussed in closed session and to authorize Duggan (Chair), Stok (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement/Consent Agreement for IREC Case No. 18-200.**

Seconded by Kimes.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to find probable cause for the case discussed in closed session and to authorize Duggan (Chair), Stok (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for IREC Case No. 18-070.**

Seconded by DeMott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to grant licensure for the following cases: 19-027 and 19-029.**

Seconded by Telford.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Stolk 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 the following cases: 19-030, 19-038, and 19-054.**

Seconded by DeMott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Telford to find probable cause for the following cases: 18-193, 18-218, 18-246, 19-024, 19-036, 19-037, 19-045, 19-046, 19-047, and 19-055 as discussed in closed session.**

Seconded by Stolk.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to close the following cases: 18-179 and 18-180 as discussed in closed session.**

Seconded by Clingman.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 18-247 and the allegations of the unlicensed practice of real estate.

**Motion by Clingman to close.**

Seconded by DeMott.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 19-022 and the request for an individual seeking a prelicense determination.

**Motion by Telford for staff to draft a letter for the individual seeking a prelicense determination, informing the individual that based solely upon the information that was provided in the request, the Commission determined that a weighting of the factors listed in Iowa Code § 543B.15(6) balanced in favor of granting a license.**

Seconded by Stolk.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 19-042 and the request for an individual seeking a prelicense determination.

**Motion by Clingman for staff to draft a letter for the individual seeking a prelicense determination, informing the individual that based solely upon the information that was provided in the request, the Commission determined because less than five years have elapsed since the entry of the conviction and/or the fulfilment of all applicable sentencing terms, the individual is likely disqualified from applying for and/or should otherwise be denied a new Iowa real estate salesperson license pursuant to Iowa Code section 543B.15(3)(a)(1) at this time.**

Seconded by Telford.

VOTE: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Future Meetings**

Future IREC meetings are tentatively scheduled as follows:

**Investigation Committee**

No April Meeting.  
Wednesday, May 1  
Wednesday, June 5  
No July Meeting  
Wednesday, July 31  
Wednesday, September 4  
Wednesday, October 2  
Wednesday, November 6  
Wednesday, December 4

**Commission Meetings**

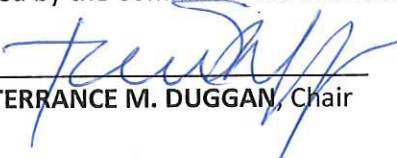
No April Meeting.  
Thursday, May 2  
Thursday, June 6  
No July Meeting  
Thursday, August 1  
Thursday, September 5  
Thursday, October 3  
Thursday, November 7  
Thursday, December 5

**Meeting Adjourned**

With all agenda items covered, the meeting adjourned at 9:53 a.m.

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

5-2-19  
Date

  
By: TERRANCE M. DUGGAN, Chair

**Iowa Real Estate Commission  
 Staff Report – As of 03/01/19  
 March 7, 2019 IREC Meeting**

**LICENSING TOTALS:**

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>FIRMS</u>
Active	6,461	3,023		
Inactive	1,248	343		
Suspended	13	20		
<b>TOTAL</b>	<b>7,722</b>	<b>3,386</b>	<b>11,108</b>	<b>1,098</b>

**EXAMINATIONS ADMINISTERED BY PSI:**

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Broker	19	296	296	298	324	315
Salesperson	251	2,040	2,091	1,796	1,638	1,501

**BROKERS & SALESPERSONS PROCESSED APPLICATIONS:**

	<u>Year To Date</u>
2011	562
2012	625
2013	835
2014	845
2015	972
2016	1,031
2017	978
2018	1,035
2019	125

**TOTAL SALESPERSON & BROKER  
 LICENSES ISSUED (YTD 2019)**

	<u>Salespersons</u>	<u>Brokers</u>	
Exam	166	14	
Rule 5.3	11	-	
Reciprocity	2	-	
<b>TOTAL</b>	<b>179</b>	<b>14</b>	<b>193</b>

**TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI**

<u>Turnaround Time (Days)</u>		<u>2019</u>
Minimum	12	Total Processed 147
Maximum	43	
Average	19	

**AUDITS:**

	<u>Year To Date Totals</u>
Continuing Education	26
E & O	38
Trust Account	94

**PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:**

<u>Year</u>	<u>E&amp;O</u>	<u>Continuing Education</u>
2013	11%	3%
2014	4.8%	1.8%
2015	15.9%	3.2%
2016	23.44%	4.7%
2017	17.87%	2.9%
2018	4.16%	0.59%
2019	N/A	N/A

**INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:**

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	48
<b><u>Commission Action:</u></b>	
Closed	3
Closed and Granted License	3
Closed with Informal Cautionary Letter	-
Signed Informal Settlement Agreements	4
Signed Applicant Consent Agreements	3
Signed Cease and Desist by Consent Agreement	2
Statement of Charges Filed	-
License Denials	-
Formal Hearings	-
Total	15
<b><u>IREC Staff Action:</u></b>	
Closed	9
License Suspension	1
Total	10
Complaint Cases Closed YTD	25
Average Amount Of Time (Open To Close)	120 Days

**Disciplinary Action Totals:**

Civil Penalties Assessed	\$ 9,750
Continuing Education Hours Assessed	16
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	2
Probations Assessed	1
Suspensions Assessed	-
Revocations/Voluntary Surrenders	-
Statement of Charges Filed (Outstanding)	-

**REAL ESTATE EDUCATION REPORT:**

	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	130
Instructor Approvals (New/Renewed)	35
Provider Approvals (New/Renewed)	5
Pre/Post Course Approvals	2
Denied Courses	-

**IREC APPLICATIONS PROCESSED (2019):**

