

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
August 1, 2019

Commissioners present for all or part of the meeting

Terry Duggan, Chair	Twee Duong
Dennis Stolk, Vice Chair	Helen Kimes
Jim Clingman	Michael Telford
Jan DeMott	

Staff present for all or part of the meeting

Jeff Evans, Executive Officer	John Lundquist, Assistant Attorney General
Renee Paulson, PLB Investigator	Ashley Thompson, Background Manager
Colleen Goddard, Trust Account Auditor	Jill Simbro, Education Director
Lori SchraderBachar, PLB Site Manager	

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

Amanda Nagle, Iowa Association of Realtors	Gabriel Walsh, Iowa Association of Realtors
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Call to Order

Duggan called the meeting to order at 9:03 a.m.
Quorum was established.
Introductions were made.

Motion by Clingman to approve the agenda.

Seconded by Duong.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by DeMott to approve the open and closed sessions of the June 6, 2019 IREC meeting minutes.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

Clingman brought up his concerns with licensed brokers not knowing how to perform an accurate broker price opinion and suggested to Nagle of IAR that more training or education be available. Nagle said that she would forward Clingman's suggestion to IAR's education department.

Staff Reports

Lundquist had nothing to report.

SchraderBachar reported that both PLB's licensing specialist positions are currently open, but hopes to be fully staffed by the end of August.

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 commended Thompson and Paulsen for their willingness and ability to take on other duties with the Commission's licensing position vacated. Evans reported that he attended and provided a written and oral report to the IAR Board of Director's Meeting at their Summer Meeting on June 14 in Carroll, Iowa. Evans also thanked Nagle and Walsh from IAR for their attendance at today's Commission meeting.

ARELLO

Motion by Telford for the Commission to approve sending Goddard and Paulsen to the 2019 Investigator Workshop, October 22 – 24, 2019 in Oklahoma City, OK.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment

Walsh mentioned that he was looking forward to his new position as legal counsel for IAR.

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.

Roll Call: Clingman, aye; DeMott, aye; Duggan, aye; Duong, aye; Kimes, aye; Stolk, aye; and Telford, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:10 a.m. and arose from there at 9:52 a.m.

Open Session

Motion by Clingman 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), Stok (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 19-050.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to find probable cause for the cases 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. 18-261, 19-080, and 19-108.

Seconded by Duong.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to grant licensure for the following cases: 19-125 and 19-141.

Seconded by Clingman.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

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 the following cases: 19-119, 19-120, 19-133, and 19-140 as discussed in closed session.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott 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. 19-132 as discussed in closed session.

Seconded by Kimes.

VOTE: Aye: Duggan, DeMott, Kimes, and Stolk. Nay: Clingman, Telford, and Duong.

Abstaining: None.

Motion passed.

Motion by Telford to find probable cause for the following cases: 19-113, 19-122, and 19-136 as discussed in closed session.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to close IREC Case No. 19-053 and IREC Case No. 19-131 as discussed in closed session.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to rescind the probable cause finding and close IREC Case No. 18-019 as discussed in closed session.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

Wednesday, September 4
Wednesday, October 2
Wednesday, November 6
Wednesday, December 4

Commission Meetings

Thursday, September 5
Thursday, October 3
Thursday, November 7
Thursday, December 5

No January Meeting
Wednesday, February 12
Wednesday, March 4
Wednesday, April 1
Wednesday, May 6
Wednesday, June 3
No July Meeting

No January Meeting
Thursday, February 13
Thursday, March 5
Thursday, April 2
Thursday, May 7
Thursday, June 4
No July Meeting

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:00 a.m.

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

9-5-19

Date


By: **TERRANCE M. DUGGAN**, Chair

Iowa Real Estate Commission Staff Report – As of 08/01/19 August 1, 2019 IREC Meeting

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	6,856	3,051		
Inactive	1,340	363		
Suspended	13	20		
TOTAL	8,209	3,434	11,643	1,112

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Broker	130	296	296	298	324	315
Salesperson	1,538	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	532

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2019)</u>
Exam	639	53	
Rule 5.3	53	8	
Reciprocity	11	2	
TOTAL	703	63	766

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2019</u>
Minimum	7	Total Processed 789
Maximum	94	
Average	17	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	206
E & O	80
Trust Account	192

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

Year	<u>E&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	1.25%	1.46%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	163
<u>Commission Action:</u>	
Closed	7
Closed and Granted License	9
Closed with Informal Cautionary Letter	1
Signed Informal Settlement Agreements	19
Signed Applicant Consent Agreements	11
Signed Cease and Desist by Consent Agreement	3
Statement of Charges Filed	-
License Denials	-
Formal Hearings	-
Total	50
<u>IREC Staff Action:</u>	
Closed	30
License Suspension	1
Total	31
Complaint Cases Closed YTD	81
Average Amount Of Time (Open To Close)	143 Days

Disciplinary Action Totals:

Civil Penalties Assessed	\$ 32,000
Continuing Education Hours Assessed	36
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	2
Probations Assessed	4
Suspensions Assessed	-
Revocations/Voluntary Surrenders	-
Statement of Charges Filed (Outstanding)	-

REAL ESTATE EDUCATION REPORT:

	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	523
Instructor Approvals (New/Renewed)	84
Provider Approvals (New/Renewed)	19
Pre/Post Course Approvals	30
Denied Courses	-

IREC APPLICATIONS PROCESSED (2019):

