

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

Commissioners present for all or part of the meeting

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

Commissioners not present for the meeting

Helen Kimes

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
Lori SchraderBachar, PLB Site Manager	Jill Simbro, Education Director
Danielle Bartkiw, Licensing Specialist	

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

None

Call to Order

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

Motion by Telford to approve the agenda.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Approval of Minutes

Motion by Clingman to approve the open and closed sessions of the October 3, 2019 IREC meeting minutes.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Commissioner Reports

None.

Staff Reports

Lundquist had nothing to report.

SchraderBachar reported renewals begin November 16, 2019 and that Commission staff updated information on the PLB website to assist with renewals. She also asked the Commission to meet between November 13th and November 21st to adopt the changes made to 193 Iowa Administrative Code Chapters 4, 8, and 14.

Evans reported on preparations have been made to assist with renewals beginning Nov 16, 2019. Roughly 1,000 licensees will need to create PLB accounts and that 4,554 licenses have expiration dates of December 31, 2019. Evans has been in communications with some of the larger brokerages to assist them in preparing for their licensees to renew and that staff has updated the 2019 Renewal Tips and the frequently asked questions on the PLB website.

Iowa Code 17A.7(2) – Five-year Comprehensive Review of Administrative Rules

Evans informed the Commission that it was time to establish a Rules Committee for the future and asked for volunteers. Evans explained the goal of the committee would be to identify and eliminate all rules in 193E that are outdated, redundant, or inconsistent or incompatible with statute or administrative code. This subcommittee is intended to meet periodically and work on various chapters, beginning spring 2020. DeMott, Stolk, and Clingman all volunteered for their committee as their schedules allow.

Public Comment

None.

Closed Session

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 Duong.

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

Motion passed.

The Commission entered into closed session at 9:17 a.m. and arose at 10:13 a.m.

Duggan recused at 9:17 a.m. and returned at 9:19 a.m.

Open Session

Motion by DeMott to return to open session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Telford to accept the signed settlement 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. 19-147 and IREC Case No. 19-154.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Stolk to grant licensure for IREC Case No. 19-219.

Seconded by Duong.

Vote: Aye: All Nay: None Abstaining: None

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 as discussed in closed session for the following cases: 19-205, 19-207, and 19-215.

Seconded by Duong.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to find probable cause for IREC Case No. 19-203.

Seconded by Stolk.

Vote: Aye: Clingman, DeMott, Duong, Stolk, Telford Nay: None Abstaining: Duggan

Motion passed.

Motion by Clingman to find probable cause the following cases: 19-187, 19-201, 19-204, 19-209, and 19-210.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to close the following cases: 18-203, 18-208, 18-220, 18-221, 18-242, 19-026, 19-039, 19-188, 19-189, and 19-190.

Seconded by Duong.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Discussion was held re: IREC Case No. 19-182 and the allegations of the unlicensed practice of real estate.

Motion by Telford to close the file.

Seconded by Duong.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 19-218 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 and it is likely that the individual would be issued an Iowa real estate salesperson license if an application was submitted.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Future Meetings

A teleconference was scheduled for Wednesday, November 20th at 1:00 p.m. to adopt the changes made to 193 Iowa Administrative Code Chapters 4, 8, and 14.

Investigation Committee

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

Commission Meetings

Thursday, December 5
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 10:32 a.m.

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

12/5/19
Date

Dennis L. Stolk
By: **TERRANCE M. DUGGAN**, Chair
Vice Chairman

**Iowa Real Estate Commission
Staff Report – As of 11/01/19
November 7, 2019 IREC Meeting**

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	6,942	3,065		
Inactive	1,400	373		
Suspended	14	19		
TOTAL	8,356	3,457	11,813	1,117

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Broker	190	296	296	298	324	315
Salesperson	1,888	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	958

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

	<u>Salespersons</u>	<u>Brokers</u>	
Exam	791	73	
Rule 5.3	67	11	
Reciprocity	12	4	
TOTAL	870	88	958

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2019</u>
Minimum	7	Total Processed 1,024
Maximum	94	
Average	15	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	262
E & O	82

Trust Account

295

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

<u>Year</u>	<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	1.22%	3.05%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	221

Commission Action:

Closed	16
Closed with Informal Cautionary Letter	6
Closed and Granted License	10
Signed Informal Settlement Agreements	37
Signed Applicant Consent Agreements	23
Signed Cease and Desist by Consent Agreement	3
Statement of Charges Filed	-
License Denials	-
Formal Hearings	-
Total	95

IREC Staff Action:

Closed	45
License Suspension	2
Total	47
Complaint Cases Closed YTD	142
Average Amount Of Time (Open To Close)	168 Days

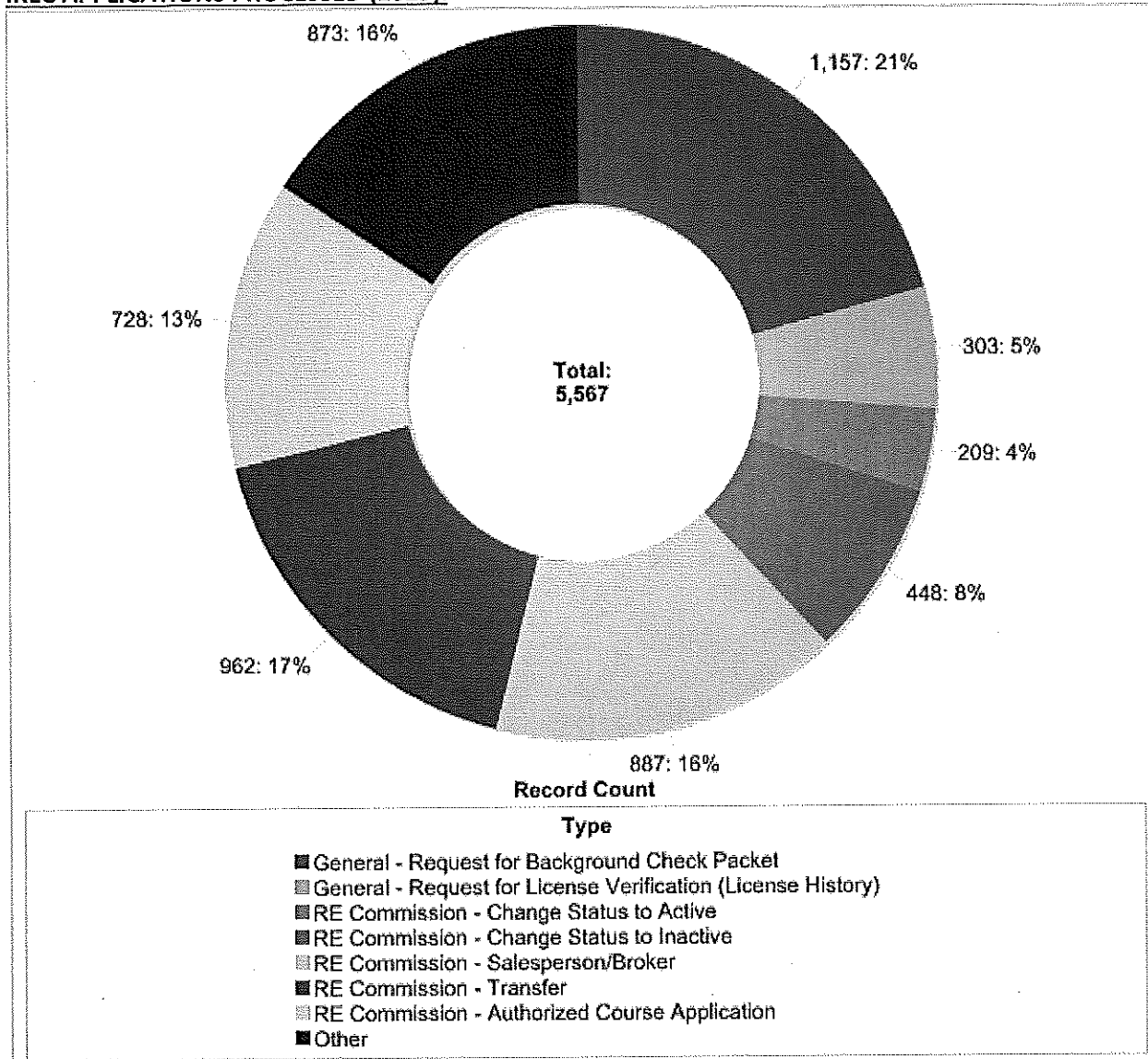
Disciplinary Action Totals:

Civil Penalties Assessed	\$ 45,750
Continuing Education Hours Assessed	84
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	3
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)	678
Instructor Approvals (New/Renewed)	116
Provider Approvals (New/Renewed)	27
Pre/Post Course Approvals	49
Denied Courses	-

IREC APPLICATIONS PROCESSED (2019):



IREC LICENSES WITH 12/31/19 EXPIRATION DATE:

