

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
September 5, 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

Commissioners not present for the meeting

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
Lori SchraderBachar, PLB Site Manager	Jill Simbro, Education Director

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

Maurice Steier

Call to Order

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

Motion by Telford to approve the agenda.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by Clingman to approve the open and closed sessions of the August 1, 2019 IREC meeting minutes.

Seconded by Duong.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

Duggan mentioned his concerns with not being able to collect earnest money checks from other agents in a timely manner and the lack of rules addressing this issue; he would like this topic to be added to a future agenda.

Staff Reports

Lundquist had nothing to report.

SchraderBachar reported that one of PLB's vacant licensing specialist positions has been filled by Kimberly Gleason, who will work with the Accountancy, Engineering, and Appraiser boards. Interviews were recently held for the second licensing specialist position in which SchraderBachar hopes to have the position filled by the next Commission meeting scheduled on October 3, 2019.

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 announced that moving forward, Commissioners will need to set up a new iowa.gov e-mail address to access the Google shared drive and to discontinue use of their current Gmail e-mail accounts. Evans reminded the Commission that the 2019 renewals start in November and staff will begin preparing renewals materials and testing the renewal applications on the system to assure everything is prepared before November 16th. Evans commended Thompson and Paulsen for their willingness and ability to take on other duties with the Commission's licensing position vacated.

Communications

After discussion, **Motion by Telford to approve waiver 19-05 with the condition that said waiver shall expire February 5, 2020 in the absence of the submission of a broker application from waiver petitioner Maurice Steier.** Maurice Steier, petitioner, was not present during discussion, but did arrive after the Commission vote. Pursuant to his written waiver request, Steier is asking the Commission for a waiver of 193E Iowa Administrative Code § 3.1(6) and the required 24-month active salesperson experience under a sponsoring broker to obtain an Iowa real estate broker's license. Steier, who has an active broker license with the Nebraska Real Estate Commission, has been in real estate since 2012, has a Bachelor's degree in real estate, and is an approved instructor with the Nebraska Real Estate Commission.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Administrative Rules

Motion by Telford to have staff "Notice of Intended Action" for the amendments made to 193 Iowa Administrative Code Chapters 4, 8, and 14.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment

None.

Closed Session

Motion by Duggan 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.

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

Motion passed unanimously.

The Commission entered into closed session at 9:25 a.m. and arose from there at 9:55 a.m.

Open Session

Motion by Stolk to return to open session.

Seconded by Clingman.

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: 18-177, 19-070, 19-075, 19-078, 19-081, 19-113, 19-122, and 19-136.

Seconded by Clingman.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to grant licensure for IREC Case No. 19-162.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman 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. 19-160 as discussed in closed session.

Seconded by Duong.

VOTE: Aye: Duggan, Clingman, Duong, Kimes, Stolk Nay: Telford

Abstaining: None

Motion passed.

Motion by Clingman 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. 19-149 and IREC Case No. 19-163, as discussed in closed session.

Seconded by Duong.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to find probable cause for the following cases: 18-138, 19-086, 19-137, 19-144, 19-145, 19-147, and 19-154 as discussed in closed session.

Seconded by Clingman.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to close the following cases: 17-152, 18-244, and 19-001 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. 18-198 and the allegations of the unlicensed practice of real estate.

Motion by Kimes to issue "Notice of Intent to Impose Civil Penalty" in the amount of \$1,000 pursuant to 193E Iowa Administrative Code § 21.5.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 18-199 and the allegations of the unlicensed practice of real estate.

Motion by Kimes to issue "Notice of Intent to Impose Civil Penalty" in the amount of \$1,000 pursuant to 193E Iowa Administrative Code § 21.5.

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

Wednesday, October 2
Wednesday, November 6
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

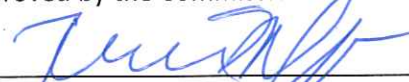
Thursday, October 3
Thursday, November 7
Thursday, December 5
No January Meeting
Thursday, February 13
Thursday, March 5
Thursday, April 2
Thursday, May 7
Thursday, June 4
No July Meeting

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:04 a.m.

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

10-3-19
Date


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

Iowa Real Estate Commission Staff Report – As of 09/01/19 September 5, 2019 IREC Meeting

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	6,862	3,050		
Inactive	1,351	365		
Suspended	13	20		
TOTAL	8,226	3,435	11,661	1,111

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	785

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2019)</u>
Exam	655	54	
Rule 5.3	55	8	
Reciprocity	11	2	
TOTAL	721	64	785

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2019</u>
Minimum	7	Total Processed 821
Maximum	94	
Average	14	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	206
E & O	80
Trust Account	255

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	1.25%	1.46%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

Year To Date Totals

Complaint Cases Opened YTD

167

Commission Action:

Closed	9
Closed and Granted License	9
Closed with Informal Cautionary Letter	1
Signed Informal Settlement Agreements	22
Signed Applicant Consent Agreements	13
Signed Cease and Desist by Consent Agreement	3
Statement of Charges Filed	-
License Denials	-
Formal Hearings	-
Total	57

IREC Staff Action:

Closed	31
License Suspension	1
Total	32

Complaint Cases Closed YTD

89

Average Amount Of Time (Open To Close)

144 Days

Disciplinary Action Totals:

Civil Penalties Assessed	\$ 34,750
Continuing Education Hours Assessed	60
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:

Year To Date Totals

Course Approvals (New/Renewed)	554
Instructor Approvals (New/Renewed)	84
Provider Approvals (New/Renewed)	22
Pre/Post Course Approvals	30
Denied Courses	-

IREC APPLICATIONS PROCESSED (2019):

