

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
December 5, 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	Colleen Goddard, Trust Account Auditor
Danielle Bartkiw, Licensing Specialist	

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

Gabe Walsh, Iowa Association of Realtors	Denise Timmins, Administrative Hearings Division
Theresa Kenkel, Court Reporter	Forrest Guddall, AHD
Richard Adams	

Call to Order

Duggan called the meeting to order at 9:02 a.m.
Quorum was established.
Introductions were made.

Motion by Clingman to approve the agenda.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Approval of Minutes

Motion by Clingman to approve the open and closed sessions of the November 7, 2019 IREC meeting minutes.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to approve the open session of the November 20, 2019 IREC meeting minutes.

Seconded by Telford.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Commissioner Reports

DeMott announced she had renewed her license that was set to expire on December 31, 2019 and reported having no trouble submitting the renewal application and paying the fees. DeMott complimented the developers and found the licensing system very user-friendly.

Staff Reports

Lundquist reported there would be a hearing held during today's meeting and appreciated the Commissioner's time.

SchraderBachar confirmed the Commissioners up for reappointment had not yet been contacted by the Governor's office.

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 reported 1,434 licensees have renewed, leaving 3,107 left to renew before December 31, 2019. Evans thanked the Investigative Committee for their time and efforts and Stolk filling in at short notice.

FBI's CJIS & Iowa DCI Security Policy Training

Evans announced that the FBI's Criminal Justice Information Services Division (CJIS) Security Policy requires that all personnel within the Commission who view and/or have access to FBI national criminal history record information, must complete CJIS Security Awareness Training within six months of assignment and every two years thereafter. Evans announced the required training needs to be completed by December 31, 2019 and that the Background Manager and other Commission staff have completed the training.

Public Comment

None

Meeting recessed at 9:15 a.m. and reconvened at 9:30 a.m.

Formal Hearing

A hearing was held before the Commission in Case No. 19-150. Administrative Law Judge Forrest Guddall assisted the Commission in conducting the hearing and a certified court reporter recorded the proceedings. The hearing was open to the public. Hearing commenced at 9:30 a.m. and concluded at 11:10a.m.

Closed Session (1)

Motion by Stolk to enter into closed session pursuant to Iowa Code 21.5(1)(f) to deliberate IREC Case No. 19-150.

Seconded by DeMott.

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

Motion passed.

The Commission entered into closed session at 11:10 a.m. and arose from there at 11:27 a.m.

Duong left the meeting at 11:28 a.m.

Open Session (1)

Motion by Stolk to return to open session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by DeMott to request that Administrative Law Judge Guddall prepare a written decision for IREC Case No. 19-150 in accordance with the findings and deliberations made in closed session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Duggan left the meeting room and joined the meeting via teleconference at 11:46 a.m.

Closed Session (2)

Motion by Telford to enter into closed session pursuant to Iowa Code §§ 21.5(1)(a) & (d) & (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 DeMott.

Roll Call: Clingman, aye; Duggan (via teleconference) aye; DeMott aye; Stolk, aye; and Telford, aye.

Motion passed.

The Commission entered into closed session at 11:50 a.m. and arose from there at 1:22 pm.

Open Session (2)

Motion by DeMott to return to open session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to find probable cause and to authorize Duggan (Chair), Stolk (Vice Chair), or Evans (Executive Officer) to sign the accepted signed settlement agreement for IREC Case No. 19-216.

Seconded by Telford.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to grant licensure when all other licensing requirements are met for the following cases: 19-223, 19-226, and 19-228.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to find probable cause for the following cases: 19-208 and 19-222.

Seconded by Telford.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to close the following cases: 18-047, 18-195, 18-231, 18-241, 18-252, 18-253, 18-254, 19-008, 19-025, 19-033, 19-034, 19-035, 19-174, 19-213, 19-214, and 19-233 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Telford to rescind the probable cause finding and close IREC Case No. 18-020 as discussed in closed session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Future Meetings

Investigation Committee

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

Commission Meetings

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 1:27 p.m.

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

2-13-20
Date


By: TERRANCE M. DUGGAN, Chair

**Iowa Real Estate Commission
 Staff Report – As of 12/01/19
 December 5, 2019 IREC Meeting**

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	6,941	3,061		
Inactive	1,440	386		
Suspended	14	19		
TOTAL	8,395	3,466	11,861	1,120

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Broker	236	296	296	298	324	315
Salesperson	2,088	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	1,008

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2019)</u>
Exam	828	79	
Rule 5.3	70	14	
Reciprocity	13	4	
TOTAL	911	97	1,008

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2019</u>
Minimum	7	Total Processed 1,102
Maximum	94	
Average	14	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	264
E & O	82
Trust Account	303

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%	3.41%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	234
<u>Commission Action:</u>	
Closed	22
Closed with Informal Cautionary Letter	12
Closed and Granted License	11
Signed Informal Settlement Agreements	39
Signed Applicant Consent Agreements	26
Signed Cease and Desist by Consent Agreement	3
Statement of Charges Filed	-
License Denials	-
Formal Hearings	-
Total	113
<u>IREC Staff Action:</u>	
Closed	48
License Suspension	3
Total	<u>51</u>
Complaint Cases Closed YTD	164
Average Amount Of Time (Open To Close)	165 Days

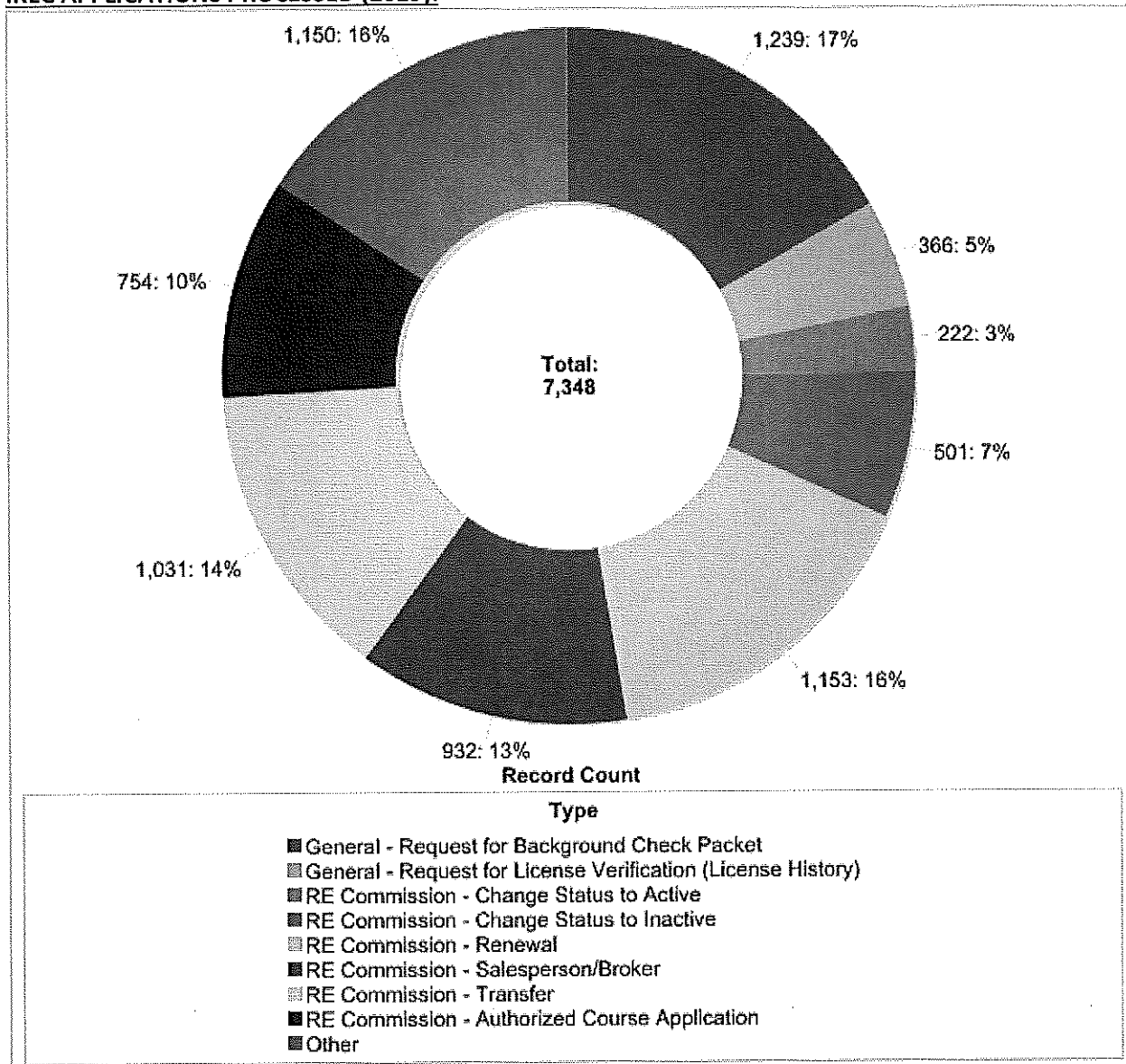
Disciplinary Action Totals:

Civil Penalties Assessed	\$ 47,750
Continuing Education Hours Assessed	84
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	3
Probations Assessed	5
Suspensions Assessed	-
Revocations/Voluntary Surrenders	-
Statement of Charges Filed (Outstanding)	-

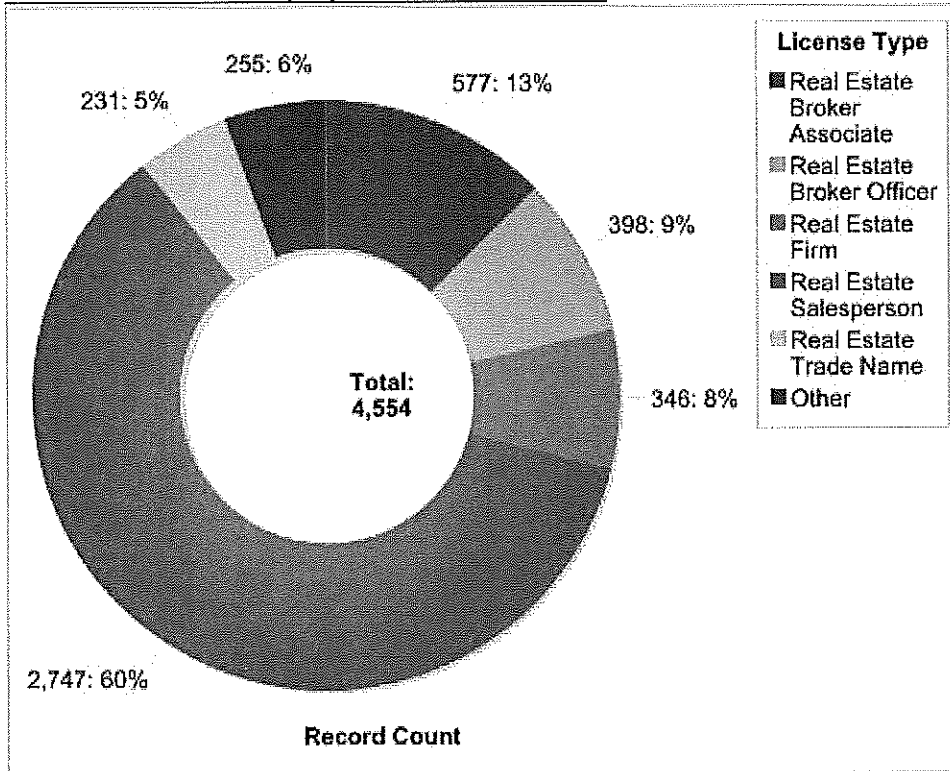
REAL ESTATE EDUCATION REPORT:

	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	704
Instructor Approvals (New/Renewed)	124
Provider Approvals (New/Renewed)	30
Pre/Post Course Approvals	69
Denied Courses	-

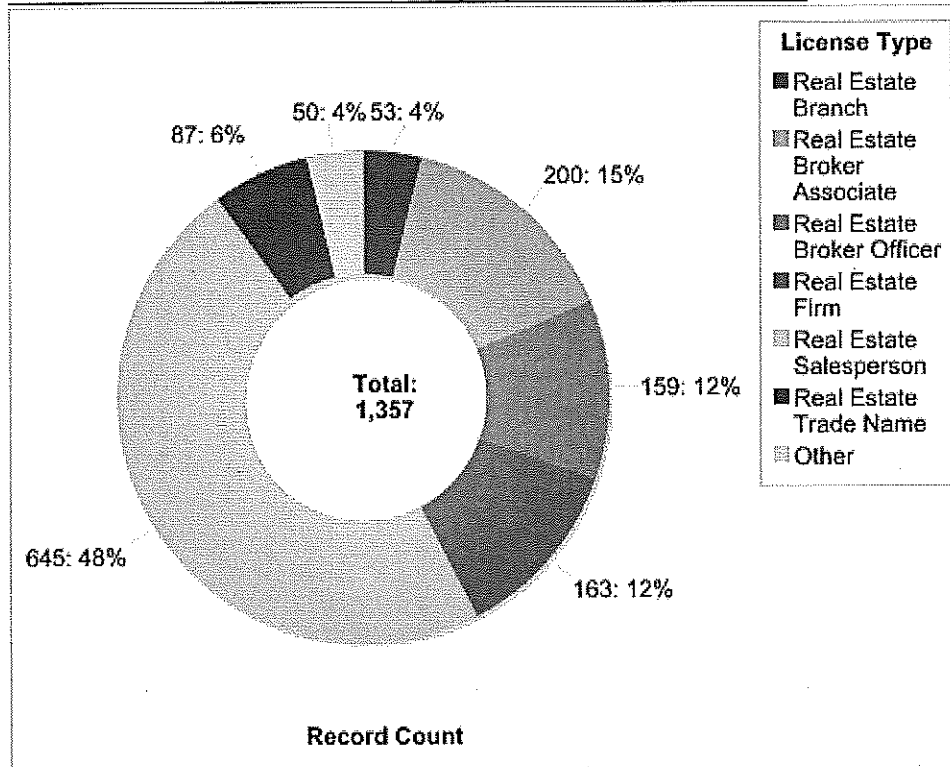
IREC APPLICATIONS PROCESSED (2019):



IREC LICENSES WITH 12/31/19 EXPIRATION DATE:



IREC LICENSES RENEWED WITH 12/31/19 EXPIRATION DATE:



IREC LICENSES LEFT TO WITH 12/31/19 EXPIRATION DATE:

