

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
March 5, 2020
9:00 a.m.

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	Lori SchraderBachar, PLB Site Manager
John Lundquist, Assistant Attorney General	Danielle Bartkiw, Licensing Specialist
Renee Paulsen, PLB Investigator	Jill Simbro, Education Director
Ashley Thompson, Background Manager	

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

Richard Adams	Kyle Kuehl
Gabe Walsh, Iowa Association of Realtors	

Call to Order

Duggan called the meeting to order at 9:00 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.

Approval of Minutes

Motion by DeMott to approve the open and closed sessions of the February 13, 2020 IREC meeting.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Commissioner Reports

None

Staff Reports

Lundquist had nothing to report.

SchraderBachar had nothing to report.

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 Telford's last meeting will be April 2, 2020 due to his final term ending April 30, 2020. Evans reported new appointee and public member, Wendy Carminhato will fill the open seat for the Commission. The terms for Kimes, Clingman, and DeMott end April 30, 2020 and Evans reminded Commissioners that they are all eligible for reappointment.

ARELLO

After discussion, **Motion by Kimes to approve sending Thompson, Goddard, Lundquist, Commissioner Duggan, and Commissioner Stolk to the 2020 ARELLO District 2/3 Conference in Kansas City, MO from June 2 - 5, 2020.**

Seconded by Telford.

Vote: Aye: Clingman, DeMott, Duong, Kimes, Telford Nay: None Abstaining: Duggan, Stolk
Motion passed.

Public Comment

Adams addressed the Commission and the Findings of Fact, Conclusions of Law, Decision and Order re: IREC Case No. 19-150 that was voted on and accepted by the Commission at their February 13, 2020 meeting.

Walsh announced to Commissioners that the Iowa Association of Realtors (IAR) formed a committee to review and update forms within the membership benefit package. The committee is made up of members from 17 Boards across the State. Walsh also announced that the IAR Summer Meetings are scheduled for June 10– 12 in Cedar Falls, Iowa.

Evans left the room at 9:25 a.m. and returned at 9:29 a.m.

Closed Session

Motion by Telford to go 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 Clingman.

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

The Commission entered into closed session at 9:30 a.m. and arose from there at 10:21 a.m.

Open Session

Motion by Stolk to return to open session.

Seconded by Telford.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to accept the signed settlements and/or consent 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 the following cases: 19-144, 19-145, 19-187, 19-201, and 19-210.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Telford to accept the signed Voluntary Surrender of Salesperson License through Consent Order for IREC Case No. 20-037, and to authorize Duggan (Chair), Stolk (Vice Chair), or Evans (Executive Officer) to sign the Order.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to find probable cause for IREC Case No. 20-005 as discussed in closed session and to authorize Duggan (Chair), Stolk (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement.

Seconded by Kimes.

Vote: Aye: All Nay: None 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. 20-011.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Clingman to find probable cause for the following cases: 19-217 and 20-021.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Telford to close the following cases: 19-044, 19-064, 19-065, 19-066, 19-087, 19-234, 20-001, 20-008, 20-014, 20-016, 20-017, 20-026, 20-038, and 20-044 as discussed in closed session.

Seconded by Duong.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Telford to close IREC Case No. 19-091 as discussed in closed session.

Seconded by Duong.

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

Motion passed.

Motion by Telford to close IREC Case No. 20-027 as discussed in closed session:

Seconded by Duong.

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

Motion passed.

Discussion was held re: IREC Case No. 18-257 and the allegations of the unlicensed practice of real estate.

Motion by Stolk to close.

Seconded by Telford.

Vote: Aye: All Nay: None Abstaining: None
Motion passed.

Discussion was held re: IREC Case No. 19-088 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

Discussion was held re: IREC Case No. 20-018 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

Discussion was held re: IREC Case No. 20-025 and the allegations of the unlicensed practice of real estate.

Motion by Stolk to close.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None
Motion passed.

Future Meetings

Investigation Committee

Wednesday, April 1
Wednesday, May 6
Wednesday, June 10
No July Meeting
Wednesday, August 5
Wednesday, September 2
Wednesday, September 30

Committee Meetings

Thursday, April 2
Thursday, May 7
Thursday, June 11
No July Meeting
Thursday, August 6
Thursday, September 3
Thursday, October 1

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:38 a.m.

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

May 7, 2020
Date

M. L. P. FOR IREC
By: TERRANCE M. DUGGAN, Chair

**Iowa Real Estate Commission
 Staff Report – As of 03/01/20
 March 5, 2020 IREC Meeting**

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	6,740	2,972		
Inactive	1,238	348		
Suspended	15	19		
TOTAL	7,991	3,339	11,330	1,122

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Broker	11	267	296	296	298	324
Salesperson	257	2,280	2,040	2,091	1,796	1,638

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	1,057
2020	302

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2020)</u>
Exam	256	12	
Rule 5.3	27	5	
Reciprocity	-	2	
TOTAL	283	19	302

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2020</u>
Minimum	2	Total Processed
Maximum	30	237
Average (YTD 2020)	5	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	58
E & O	78
Trust Account	87

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%	3.37%
2020	5.13%	3.45%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	55

Commission Action:

Closed	10
Closed with Informal Cautionary Letter	3
Closed and Granted License	3
Signed Informal Settlement Agreements	4
Signed Applicant Consent Agreements	2
Signed Cease and Desist by Consent Agreement	-
Statement of Charges Filed	-
License Denials	1
Formal Hearings	-
Total	23

IREC Staff Action:

Closed	9
License Suspension	-
Total	9
Complaint Cases Closed YTD	32
Average Amount Of Time (Open To Close)	285 Days

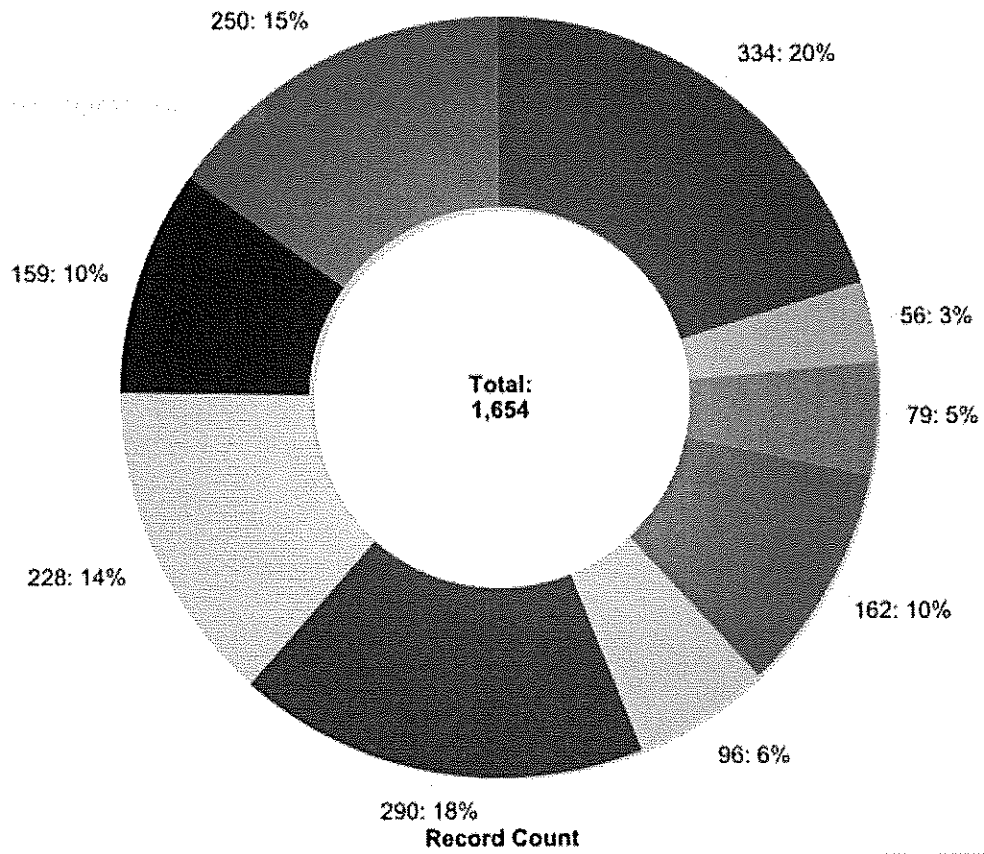
Disciplinary Action Totals:

Civil Penalties Assessed	\$ 4,750
Continuing Education Hours Assessed	16
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	-
Probations Assessed	-
Suspensions Assessed	1
Revocations/Voluntary Surrenders	-
Statement of Charges Filed (Outstanding)	-

REAL ESTATE EDUCATION REPORT:

	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	146
Instructor Approvals (New/Renewed)	30
Provider Approvals (New/Renewed)	3
Pre/Post Course Approvals	2
Denied Courses	-

IREC APPLICATIONS PROCESSED (2020):



- Type**
- General - Request for Background Check Packet
 - General - Request for License Verification (License History)
 - RE Commission - Change Status to Active
 - RE Commission - Change Status to Inactive
 - RE Commission - Renewal
 - RE Commission - Salesperson/Broker
 - RE Commission - Transfer
 - RE Commission - Authorized Course Application
 - Other