

Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
MINUTES  
December 3, 2020  
9:00 a.m.

The meeting was conducted via Zoom because of the public health recommendations to minimize public gatherings. Public access to this meeting was made available through Zoom.

**Commissioners present for all or part of the meeting**

Terry Duggan, Chair	Helen Kimes
Dennis Stolk, Vice Chair	Jan DeMott
Wendy Carminhato	Jim Clingman

**Commissioners not present for the meeting**

Twee Duong

**Staff present for all or part of the meeting**

Jeff Evans, Executive Officer	Colleen Goddard, Trust Account Auditor
John Lundquist, Assistant Attorney General	Danielle Bartkiw, Licensing Specialist
Renee Paulsen, PLB Investigator	Jill Simbro, Education Director
Ashley Thompson, Background Manager	Lori SchraderBachar, PLB Site Manager
MaryClaire Hipp, PLB Temp Employee	

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

Kristen Brend, Iowa Association of Realtors	Lauren McMillon, The CE Shop, Inc.
Gabe Walsh, Iowa Association of Realtors	Arthur Cox, UNI Director of Real Estate Education
Amanda Nagle, Iowa Association of Realtors	Cody Edwards, Dickinson, Mackaman, Tyler & Hagen, P.C.

**Call to Order**

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

**Motion by to Kimes to approve the agenda.**

Seconded by Stolk.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Approval of Minutes**

**Motion by Clingman to approve the November 5, 2020 IREC Meeting open and closed session minutes and to authorize Executive Officer Evans to sign the minutes on behalf of the Commission.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

### **Commissioner Reports**

Clingman reports he attended Commission College through ARELLO and highly recommended it to the other Commissioners.

### **Staff Reports**

Lundquist had nothing to report.

SchraderBachar announced that Duong's term ends April 30, 2021 and she is eligible for reappointment. Duggan's final term ends April 30, 2021. Duggan will have served the Commission for nine years.

Evans asked Commissioners to sign and return their per diems. Evans reported renewals have gone the best they have ever had since the implementation of DataPro in September 2017; the program is stable and licensees have already created a login. One issue Evans pointed out is that licensees are forgetting usernames and passwords. Evans explained Goddard is absorbing some of the renewal phone calls and Paulsen is assisting with emails. They are both doing a real nice job assisting with renewals, along with the other members of staff. Evans said to-date renewals are approximately 100-200 ahead of schedule compared to last year and approximately 3100 are left to renew; 500-800 of which will probably lapse. Evans thanked everyone for their continued efforts.

### **Petition for Declaratory Order**

Evans confirmed the two supplemental documents for D20-01 were submitted and made available to Commissioners.

Lundquist thanked Walsh and Edwards for submitting their documents in timely manner and said the documents can be found on the shared Google Drive. Lundquist encouraged Commissioners to read through the material if they haven't and to be prepared to discuss at the next Board meeting. Lundquist explained he and Evans would prepare a draft answer for D20-01 that the Commission would review at the next Board meeting. Lundquist then confirmed the Commission will review the draft document December 16, 2020 at 9:00 a.m.

There were no questions or objections from the Commission, Petitioner, or Intervenor. A final answer regarding D20-01 is expected to be disseminated on December 18, 2020.

Edwards left the meeting at 9:20 a.m.

### **Accommodations for National Criminal History Check, Renewals, and Continuing Education Due to COVID-19**

Evans shared with the Commission the draft document and updated revisions in response to the Governor's extension of the Emergency Proclamation through December 10, 2020. Evans summarized what will happen if the State Public Health Emergency Declaration extends through December 31, 2020.

**Motion by Kimes to approve the updated "Frequently Asked Questions about IREC licensing during the COVID-19 Pandemic and Emergency Proclamations in Iowa" document for distribution.**

Seconded by Stolk.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

### **2020 Legislation Update**

The Commission reviewed the Criminal Code list prepared for HF 2627, which is a list of criminal convictions that could disqualify someone from licensure. Lundquist explained the Commission can update and amend this list in the future, if needed.

**Motion by Clingman to approve the list of the specific convictions that may disqualify an applicant from receiving a license as required by Iowa Code § 272.15(2).**

Seconded by Stolk.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

### **Administrative Rules**

Evans introduced the Notice of Intended Action and revision documents for Administrative Rules to the Commission. Lundquist explained that the amendments reflect the general rules the Bureau must follow in accordance with HF 2389 and HF 2627, stating how the Commission is to deal with criminal histories and eligibility determinations, along with licensure by verification for out-of-state licensees who establish residency in Iowa. The revision documents were on the shared Google Drive and reviewed by Commissioners.

- a. 193 – Chapter 5 re: Waivers and Variances From Rules
- b. 193 – Chapter 14 re: Military Service, Veteran Reciprocity, & Spouses of Active Duty Service Members
- c. 193 – Chapter 15
- d. 193E – Chapter 5
- e. 193E – Chapter 6
- f. 193E – Chapter 13

After discussion, **Motion by Kimes to have staff issue a “Notice of Intended Action” for the changes made to 193 Chapters 5, 14, and 15.**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

After discussion, **Motion Stolk by to have staff issue a “Notice of Intended Action” for the changes made to 193E Chapters 5, 6, and 13.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

### **Public Comment**

None.

### **Closed Session(1)**

**Motion by Clingman to enter into closed session pursuant to Iowa Code 21.5(1)(f) to deliberate IREC Case No. 20-157.**

Seconded by None.

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

Motion passed unanimously.

The Commission entered into closed session at 9:55 p.m. and arose from there at 9:58 p.m.

**Open Session (1)**

**Motion by Kimes to return to open session.**

Seconded by Stolk.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to accept the Findings of Fact, Conclusions of Law, Decision and Order in IREC Case No. 20-157 and to authorize Evans (Executive Officer) to sign the Decision and Order.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Closed Session(2)**

**Motion by Clingman 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 DeMott.

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

Motion passed unanimously.

The Commission entered into closed session at 10:00 a.m. and arose from there at 11:50 a.m.

**Open Session(2)**

**Motion by Clingman to return to open session.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to accept the signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for IREC Case No. 16-355 and 20-228.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to find probable cause and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases: 20-195, 20-199, 20-259, 20-261, 20-262, 20-263, 20-264, and 20-265 as discussed in closed session.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Stolk to grant licensure for IREC Case No. 20-303 and 20-308.**

Seconded by Clingman.

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. 20-302.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed.

**Motion by Stolk to find probable cause for the following cases: 19-185, 20-166, 20-167, 20-217, 20-220, and 20-288 as discussed in closed session.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by DeMott to close Case No. 20-093 as discussed in closed session.**

Seconded by Carminhato.

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

Motion passed.

**Motion by DeMott to close the following cases: 20-163, 20-175, 20-189, 20-203, 20-205, 20-210, and 20-215 as discussed in closed session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to grant an extension of the CPA Audit report due date to January 8, 2021 for IREC Case No. 19-204.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 19-044 and the allegations of the unlicensed practice of real estate.

**Motion by Stolk to accept the signed Cease and Desist Order by Consent Agreement and to authorize Evans (Executive Officer) to sign the accepted, signed Consent Agreement.**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 19-246 and the allegations of the unlicensed practice of real estate.

**Motion by Stolk to accept the signed Cease and Desist Order by Consent Agreement and to authorize Evans (Executive Officer) to sign the accepted, signed Consent Agreement.**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-223 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-224 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-225 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. 20-226 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-227 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-229 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-230 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-231 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-232 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. 20-233 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-234 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty".**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Future Meetings**

**Investigation Committee Meetings**

- No January Meeting
- Wednesday, February 3
- Wednesday, March 3
- Wednesday, March 31

**Regularly Scheduled Meetings**


- No January Meeting
- Thursday, February 4
- Thursday, March 4
- Thursday, April 1

**Meeting Adjourned**

With all agenda items covered, the meeting adjourned at 12:11 p.m.

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

February 4, 2021  
Date

 M. E. FOR IREC  
By: TERRANCE M. DUGGAN, Chair

**Iowa Real Estate Commission  
 Staff Report – As of 12/01/20  
 December 3, 2020 IREC Meeting**

**LICENSING TOTALS:**

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	7,238	2,985		
Inactive	1,426	383		
Suspended	12	18		
<b>TOTAL</b>	<b>8,676</b>	<b>3,386</b>	<b>12,062</b>	<b>1,148</b>

**EXAMINATIONS ADMINISTERED BY PSI:**

	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Broker	210	267	296	296	298	324
Salesperson	2,408	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	1,064

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON &amp; BROKER LICENSES ISSUED (YTD 2020)</u>
Exam	900	48	
Rule 5.3	80	17	
Reciprocity	12	7	
<b>TOTAL</b>	<b>992</b>	<b>72</b>	<b>1,064</b>

**TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI**

<u>Turnaround Time (Days)</u>		<u>2020</u>
Minimum	1	Total Processed 1,231
Maximum	72	
Average (YTD 2020)	6	

**AUDITS:**

	<u>Year To Date Totals</u>
Continuing Education	266
E & O	440
Trust Account	366



**PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:**

<u>Year</u>	<u>E&amp;O</u>	<u>Continuing Education</u>
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	18.18%	1.50%

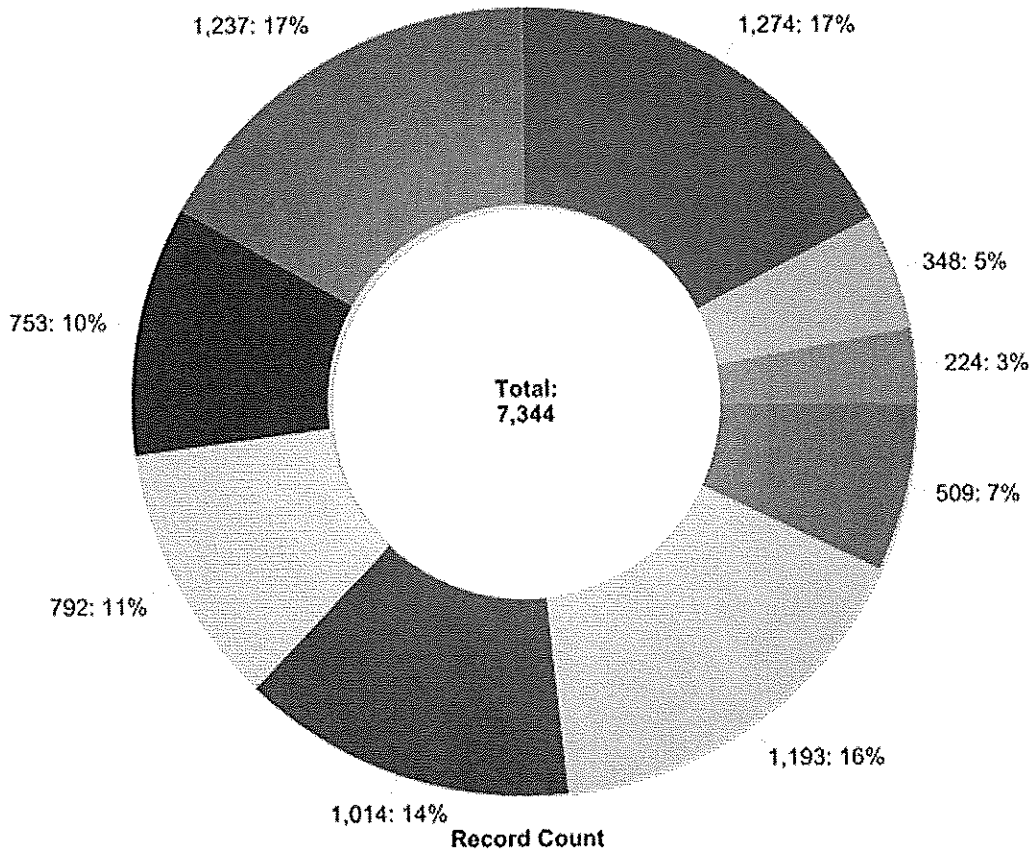
**INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:**

		<u>Year To Date Totals</u>
Complaint Cases Opened YTD		309
<b><u>Commission Action:</u></b>		
Closed	89	
Closed with Informal Cautionary Letter	25	
Closed and Granted License	9	
Signed Informal Settlement Agreements	71	
Signed Applicant Consent Agreements	12	
Signed Cease and Desist by Consent Agreement	9	
Statement of Charges Filed	3	
License Denials	1	
Formal Hearings	1	
Total	219	
<b><u>IREC Staff Action:</u></b>		
Closed	46	
License Suspension	-	
Other	3	
Total	<u>49</u>	
Complaint Cases Closed YTD		268
Average Amount Of Time (Open To Close)		268 Days
<b><u>Disciplinary Action Totals:</u></b>		
Civil Penalties Assessed		\$ 107,250
Continuing Education Hours Assessed		58
CPA Audits Assessed		2
Trust Account Reexaminations Assessed		-
Probations Assessed		2
Suspensions Assessed		4
Revocations/Voluntary Surrenders		1
Cease and Desist Injunction		9
License Denial		1
Statement of Charges Filed (Outstanding)		4

**REAL ESTATE EDUCATION REPORT:**

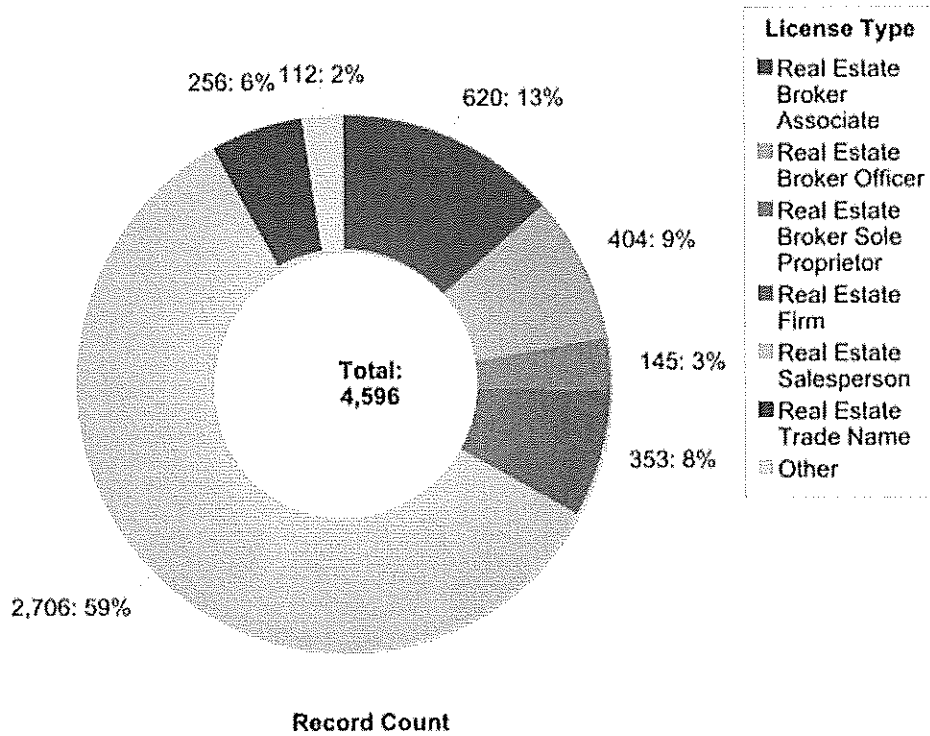
	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	740
Instructor Approvals (New/Renewed)	107
Provider Approvals (New/Renewed)	15
Pre/Post Course Approvals	44
Examination Authorization	29

**IREC APPLICATIONS PROCESSED (2020):**

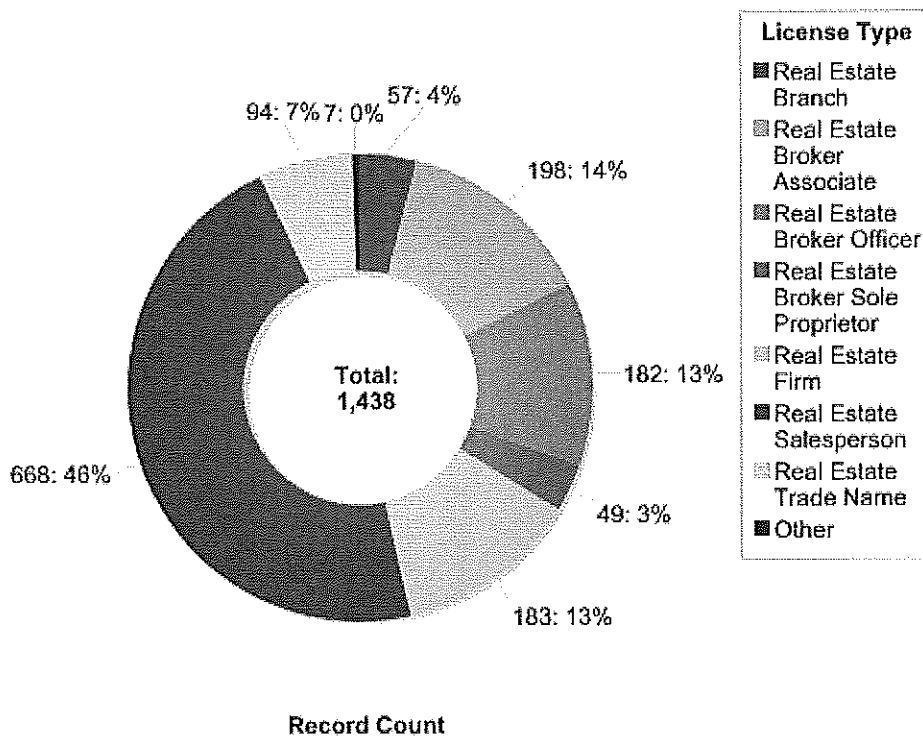


Type
■ General - Request for Background Check Packet
■ General - Request for License Verification (License History)
■ RE Commission - Change Status to Active
■ RE Commission - Change Status to Inactive
■ RE Commission - Renewal
■ RE Commission - Salesperson/Broker
■ RE Commission - Transfer
■ RE Commission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

**IREC LICENSES WITH 12/31/20 EXPIRATION DATE:**



**IREC LICENSES RENEWED WITH 12/31/20 EXPIRATION DATE:**



**IREC LICENSES LEFT TO WITH 12/31/20 EXPIRATION DATE:**

